

UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT

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LAKE CHARLES LNG EXPORT COMPANY, LLC

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DOCKET NO. 13-04-LNG  
DOCKET NO. 16-109-LNG

ORDER AMENDING LONG-TERM AUTHORIZATIONS  
TO EXPORT LIQUEFIED NATURAL GAS  
TO NON-FREE TRADE AGREEMENT COUNTRIES

DOE/FECM ORDER NO. 3868-E  
DOE/FECM ORDER NO. 4010-E

AUGUST 22, 2025

## **TABLE OF CONTENTS**

I.	INTRODUCTION AND BACKGROUND .....	1
II.	STANDARD OF REVIEW .....	8
III.	DESCRIPTION OF REQUEST .....	9
	A. Inability to Meet the Current Export Commencement Deadline .....	10
	B. Ongoing Efforts to Advance the Project.....	13
IV.	DOE PROCEEDING .....	15
	A. Public Citizen’s Motion to Intervene.....	15
	B. Environmental Advocates’ Motion to Intervene and Protest.....	16
	C. Lake Charles LNG Export’s Answer.....	20
	D. Environmental Advocates’ Motion to Reply and Reply.....	23
V.	DISCUSSION AND CONCLUSIONS .....	25
	A. Procedural Matters .....	25
	1. Environmental Advocates’ Motion for Leave to Reply .....	25
	2. Motions to Intervene.....	25
	B. Requested Export Commencement Extension.....	27
	1. Regulatory and Policy Considerations.....	28
	2. Evidence of Good Cause .....	32
	3. Other Considerations .....	35
	C. Environmental Review .....	36
	D. Conclusion .....	36
VI.	ORDER.....	37

## I. INTRODUCTION AND BACKGROUND

On April 17, 2025, Lake Charles LNG Export Company, LLC (Lake Charles LNG Export) filed with the Department of Energy’s (DOE) Office of Fossil Energy and Carbon Management (FECM)<sup>1</sup> an “Application for an Amendment to Extend the Commencement of Operations Deadline” (Extension Application)<sup>2</sup> under section 3 of the Natural Gas Act (NGA).<sup>3</sup> Lake Charles LNG Export, a wholly-owned subsidiary of Energy Transfer LP (Energy Transfer),<sup>4</sup> asks DOE to amend two of its long-term authorizations to export domestically produced liquefied natural gas (LNG)—specifically, to extend its current deadline to commence exports under both orders from December 16, 2025, to December 31, 2031.<sup>5</sup>

Lake Charles LNG Export is authorized to export LNG from the Lake Charles Terminal located in Lake Charles, Louisiana,<sup>6</sup> 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,<sup>7</sup> under the following orders:

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<sup>1</sup> The Office of Fossil Energy changed its name to the Office of Fossil Energy and Carbon Management on July 4, 2021.

<sup>2</sup> 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.].

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

<sup>4</sup> See Ext. App. at 4 n.9. Energy Transfer’s other wholly-owned subsidiaries—and Lake Charles LNG Export’s affiliates—are Lake Charles Exports, LLC (LCE); Trunkline Gas Company, LLC (Trunkline); and Lake Charles LNG Company, LLC. See *id.* at 3-4 & nn.6, 9.

<sup>5</sup> *Id.* at 3. For purpose of this Order, DOE uses the terms “authorization” and “order” interchangeably.

<sup>6</sup> *Id.* at 2-3, 6-7.

<sup>7</sup> 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.

- Under DOE/FE Order No. 3868, as amended (Docket No. 13-04-LNG), authorizing exports 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;<sup>8</sup> and
- Under DOE/FE Order No. 4010, as amended (Docket No. 16-109-LNG), authorizing exports in a volume equivalent to 121 Bcf/yr of natural gas for a term extending through December 31, 2050.<sup>9</sup>

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 is currently developing liquefaction and export facilities (Liquefaction Project) at the Lake Charles Terminal.<sup>10</sup> On December 17, 2015, the Federal Energy Regulatory Commission (FERC) issued an order approving the Liquefaction Project and a related Pipeline Modifications Project for the export of LNG (collectively, Project or Projects).<sup>11</sup> Lake Charles LNG Export's authorized exports of 851 Bcf/yr of natural gas reflect the "design production of the Lake Charles Terminal as approved by FERC."<sup>12</sup>

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<sup>8</sup> *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. 3868-D (Nov. 1, 2023) (extending export term).

<sup>9</sup> *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). 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 (*see supra* note 7), all references to Order No. 4010 herein are to the non-FTA authorization alone.

<sup>10</sup> *See, e.g.*, Ext. App. at 5-9; *Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 4010, at 17-18.

<sup>11</sup> Ext. App. at 7-8 (citing *Lake Charles LNG Co., LLC, et al.*, 153 FERC ¶ 61,300 (2015) [hereinafter FERC Authorization Order], *reh'g denied*, 155 FERC ¶ 61,328 (2016)). 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. App. at 6.

<sup>12</sup> *Id.* at 11.

FERC initially required Lake Charles LNG Export and its affiliates to complete construction of the Liquefaction Project and make it available for service within five years of the date of the order.<sup>13</sup>

**FERC Extension Proceedings.** At the request of Lake Charles LNG Export and its affiliates, FERC has extended the original construction and in-service deadline for the Project three times:

- In 2019, FERC issued an order granting the first extension until and including December 16, 2025;<sup>14</sup>
- In 2022, FERC issued an order granting the second extension, to December 17, 2028;<sup>15</sup> and
- On May 8, 2025—shortly after Lake Charles LNG Export filed the Extension Application in this proceeding—FERC issued an order granting a third extension (FERC 2025 Extension Order).<sup>16</sup> DOE takes administrative notice of this FERC order, which gives Lake Charles LNG Export and its affiliates “until and including December 31, 2031 to complete construction of the Projects and make them available for service.”<sup>17</sup>

As with its prior two extension orders, FERC granted the latest extension to December 31, 2031, “[b]ased on the facts presented and the case record”—including evidence of the delays and other disruptions encountered by Lake Charles LNG Export and its affiliates, as well as their efforts to both commercialize the Project and complete construction.<sup>18</sup>

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<sup>13</sup> See FERC Authorization Order at Ordering Para. L.

<sup>14</sup> *Lake Charles LNG Export Co., LLC, et al.*, Letter Order, FERC Docket Nos. CP14-119-000, *et al.* (Dec. 5, 2019), [https://elibrary.ferc.gov/eLibrary/docinfo?accession\\_number=20191205-3025](https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20191205-3025) [hereinafter 2019 FERC Ext. Order].

<sup>15</sup> *Lake Charles LNG Export Co., LLC, et al.*, Order Granting Extension of Time Request, FERC Docket Nos. CP14-119-002, *et al.*, 179 FERC ¶ 61,086 (2022), [https://elibrary.ferc.gov/eLibrary/docinfo?accession\\_number=20220506-3073](https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20220506-3073) [hereinafter 2022 FERC Ext. Order]. We note that, although the Extension Application refers to December 16, 2028, as the second extended FERC deadline (Ext. App. at 14), FERC extended the construction and in-service deadline to December 17, 2028 (FERC 2022 Ext. Order at 11).

<sup>16</sup> *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/docinfo?accession\\_number=20250508-3019](https://elibrary.ferc.gov/eLibrary/docinfo?accession_number=20250508-3019) [hereinafter FERC 2025 Ext. Order].

<sup>17</sup> *Id.* (emphasis added).

<sup>18</sup> *Id.* at 2 (summarizing evidence to support extension).

**DOE Extension Proceedings.** Under both non-FTA authorizations, DOE initially required Lake Charles LNG Export to “commence export operations using the planned liquefaction facilities no later than seven years from the date of issuance of this Order”—*i.e.*, by July 29, 2023, for Order No. 3868, and by June 29, 2024, for Order No. 4010.<sup>19</sup> The following developments have since occurred:

- On October 6, 2020, DOE granted an application by Lake Charles LNG Export to extend the export commencement deadline in both orders to December 16, 2025, to align with the 2019 FERC Extension Order;<sup>20</sup>
- On June 21, 2022, Lake Charles LNG Export submitted an application requesting a second export commencement extension for both orders—from December 16, 2025, to December 16, 2028 (the 2022 Extension Application);<sup>21</sup>
- On April 21, 2023, DOE issued an order denying the 2022 Extension Application, and subsequently denied rehearing of that order;<sup>22</sup> and
- On April 17, 2025, Lake Charles LNG Export filed the pending Extension Application, asking DOE to extend its export commencement deadline in both orders from December 16, 2025, to December 31, 2031—to align with the FERC construction and in-service deadline then-pending and now approved in the 2025 FERC Extension Order.<sup>23</sup>

Thus, the Extension Application, if granted, would extend the current export commencement deadline in Lake Charles LNG Export’s non-FTA orders by six years, to December 31, 2031, “to ensure that the export project is in-service before the expiration of the deadline in [both] export

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<sup>19</sup> See *Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 3868, at 156 (Term & Condition B), 163 (Ordering Para. D); *Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 4010, at 48 (Term & Condition B), 57 (Ordering Para. E).

<sup>20</sup> See *Lake Charles LNG Export Co., LLC*, DOE/FE Order Nos. 3868-A and 4010-A, Docket Nos. 13-04-LNG and 16-109-LNG, Order Granting Application for Extension of Commencement Deadlines, at 8-11 (Oct. 6, 2020), <https://www.energy.gov/sites/prod/files/2020/10/f79/ord3252b%2C%203868a%2C%204010a.pdf>. This order also modified the export term for Lake Charles LNG Export’s FTA authorizations, which are not at issue here. See *supra* note 7.

<sup>21</sup> See *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).

<sup>22</sup> See *Lake Charles LNG Export Co., LLC*, DOE/FE Order Nos. 3868-B and 4010-B (denying 2022 Extension Application) and Order Nos. 3868-C and 4010-C (denying rehearing); see also *supra* notes 8-9.

<sup>23</sup> See Ext. App. at 20.

orders.”<sup>24</sup> Under the Extension Application, the end date of both orders—December 31, 2050—would remain the same.<sup>25</sup>

**Change in DOE Policy for Export Commencement Extensions.** Over the last two years, DOE has undertaken actions related to applications to extend export commencement deadlines generally. First, on April 21, 2023, DOE issued a “Policy Statement on Export Commencement Deadlines in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries” (Policy Statement), which established mandatory criteria for DOE to consider such an extension.<sup>26</sup> However, because Lake Charles LNG Export’s application for a second export commencement extension had been pending since 2022<sup>27</sup>—prior to the issuance of the Policy Statement—DOE expressly did not review Lake Charles LNG Export’s application under the Policy Statement.<sup>28</sup> Rather, in an order issued on the same day that DOE issued the Policy Statement, DOE denied Lake Charles LNG Export’s second extension request based on “DOE’s prior practice” of examining the record in the proceeding.<sup>29</sup>

On April 2, 2025, DOE rescinded the Policy Statement in a notice published in the *Federal Register*.<sup>30</sup> DOE explained that “the Policy Statement does not align with policies set forth in Executive Order 14154 of January 20, 2025, *Unleashing American Energy*,” which “directs agencies to review and suspend, revise, or rescind actions that unduly burden the development of domestic energy resources, with particular attention to natural gas, among other

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<sup>24</sup> Ext. App. at 3.

<sup>25</sup> See *supra* notes 8-9 (DOE/FE Order Nos. 3868-D and 4010-D).

<sup>26</sup> 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].

<sup>27</sup> See *supra* at 4.

<sup>28</sup> Policy Statement, 80 Fed. Reg. at 25,278.

<sup>29</sup> See *id.*; see also *supra* notes 8-9 (DOE/FE Order Nos. 3868-B and 4010-B).

<sup>30</sup> 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].

resources.”<sup>31</sup> DOE found that the Policy Statement “poses an undue burden by placing strict criteria on natural gas export authorization holders seeking extensions to their commencement deadlines.”<sup>32</sup> DOE stated that, going forward, it “will consider applications to extend an authorization holder’s export commencement deadline and grant such extensions for good cause shown on a case-by-case basis consistent with DOE’s practice prior to the issuance of the Policy Statement.”<sup>33</sup> Thus, in this Order, DOE will review the Extension Application for good cause, as set forth below.<sup>34</sup>

**Current Extension Proceeding.** On June 2, 2025, DOE published a Notice of Application for the Extension Application in the *Federal Register*.<sup>35</sup> DOE invited the public to submit protests, motions to intervene, notices of intervention, and written comments in response to the Extension Application by July 2, 2025.<sup>36</sup> In response to the Notice, DOE received the following timely-filed documents: (i) a “Motion to Intervene” filed by Public Citizen, Inc. (Public Citizen);<sup>37</sup> and (ii) a “Motion to Intervene and Protest of Application” filed by 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).<sup>38</sup>

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<sup>31</sup> *Id.* (citing Exec. Order No. 14154 of Jan. 20, 2025, *Unleashing American Energy*, 90 Fed. Reg. 8353, 8354 (§ 3) (Jan. 29, 2025) [hereinafter Exec. Order 14154]).

<sup>32</sup> Rescission Notice, 90 Fed. Reg. at 14,411.

<sup>33</sup> *Id.*

<sup>34</sup> *See infra* § II (Standard of Review).

<sup>35</sup> U.S. Dep’t of Energy, Lake Charles LNG Export Co., LLC; Application for an Amendment to Extend the Commencement of Operations Deadline in Long-Term Authorizations to Export Liquefied Natural Gas, 90 Fed. Reg. 23,324 (June 2, 2025) [hereinafter Notice of Ext. App.].

<sup>36</sup> *See id.* DOE finds that the requirement for public notice of applications in 10 C.F.R. Part 590 is applicable only to non-FTA applications under NGA section 3(a).

<sup>37</sup> Public Citizen, Inc., Motion to Intervene, Docket Nos. 13-04-LNG and 16-109-LNG (July 1, 2025) [hereinafter Public Citizen Mot.].

<sup>38</sup> 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].



DOE also received: (i) an anonymous comment that was timely filed,<sup>39</sup> and (ii) a late-filed document submitted by Kelly Moore entitled a “Motion to Intervene.”<sup>40</sup> The anonymous comment is non-responsive. Because the late-filed document does not meet DOE’s requirements for a motion to intervene set forth in 10 C.F.R. § 590.303, DOE will treat it as a late-filed comment. Consistent with DOE’s practice, DOE will not consider these non-responsive and/or late-filed comments.

On July 7, 2025, Lake Charles LNG Export submitted an “Answer in Opposition to Motions to Intervene and Protest” (Answer) responding to the filings of Public Citizen and Environmental Advocates.<sup>41</sup> On July 10, 2025, Environmental Advocates submitted a “Motion for Leave to Reply and Reply” to Lake Charles LNG Export’s Answer.<sup>42</sup>

Upon review of the record, and for the reasons set forth below, DOE grants the motion to intervene of both Public Citizen and Environmental Advocates. However, DOE finds that Environmental Advocates—the only parties who filed a protest in this proceeding—have not shown that Lake Charles LNG Export failed to establish good cause for the requested extension. Accordingly, DOE grants the Extension Application. In this Order, DOE is amending the current export commencement deadline of December 16, 2025, established in Order Nos. 3868-A and 4010-A, such that Lake Charles LNG Export now has until December 31, 2031, to commence non-FTA exports under both authorizations (the same date as the FERC construction and in-service deadline for the Project).

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<sup>39</sup> Anonymous Comment, Docket Nos. 13-04-LNG and 16-109-LNG (July 2, 2025).

<sup>40</sup> Kelly Moore, Motion to Intervene, Docket Nos. 13-04-LNG and 16-109-LNG (July 3, 2025).

<sup>41</sup> Lake Charles LNG Export Co., LLC, Answer in Opposition to Motions to Intervene and Protest, Docket Nos. 13-04-LNG and 16-109-LNG (July 7, 2025) [hereinafter Lake Charles LNG Export Answer].

<sup>42</sup> For a Better Bayou, *et al.*, Motion for Leave to Reply and Reply, Docket Nos. 13-04-LNG and 16-109-LNG (July 10, 2025) [hereinafter Enviro. Advocates Reply].

**Amendment to Establish Make-Up Period.** Additionally, to align the authorizations with DOE’s current practice, DOE has determined that it is necessary and appropriate to allow three additional years for Lake Charles LNG Export to export the approved non-FTA volume of LNG under Order Nos. 3868 and 4010 (a combined total of 851 Bcf/yr of natural gas) beyond the export term ending on December 31, 2050, solely to export any approved volume of LNG that it is unable to export during the original export term (the Make-Up Volume).<sup>43</sup> This three-year term during which the Make-Up Volume may be exported, known as the Make-Up Period, will extend through December 31, 2053, as reflected in the amendments below.<sup>44</sup>

**Categorical Exclusion.** DOE’s procedures for the National Environmental Policy Act of 1969 (NEPA)<sup>45</sup> provide for a categorical exclusion if neither an environmental assessment nor an environmental impact statement is required—specifically, categorical exclusion B5.7, *Export of natural gas and associated transportation by marine vessel*.<sup>46</sup> On August 20, 2025, DOE issued a categorical exclusion determination for the Extension Application under this provision.<sup>47</sup>

## II. STANDARD OF REVIEW

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.”<sup>48</sup> DOE also “may from

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<sup>43</sup> See *supra* notes 8-9 (Order Nos. 3868-D and 4010-D extending the original export term under each authorization to Dec. 31, 2050). For a discussion of the background of the Make-Up Period and DOE’s decision to reinstate the Make-Up Period through December 31, 2053, for long-term non-FTA authorizations, see *Port Arthur LNG Phase II, LLC*, DOE/FECM Order No. 5292-A, Docket No. 20-23-LNG, Order Amending Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (June 30, 2025), <https://www.energy.gov/sites/default/files/2025-06/ord5292-A.pdf>.

<sup>44</sup> Lake Charles LNG Export is not permitted to increase its annual non-FTA export volume under these orders over the three-year Make-Up Period, absent appropriate authorization by DOE. See *infra* § VI (Ordering Paras. B, E).

<sup>45</sup> 42 U.S.C. § 4321 *et seq.*

<sup>46</sup> See 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7.

<sup>47</sup> U.S. Dep’t of Energy, Categorical Exclusion Determination, Lake Charles LNG Export Co., LLC, Docket Nos. 13-04-LNG and 16-109-LNG (Aug. 20, 2025).

<sup>48</sup> 15 U.S.C. § 717b(a).

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.”<sup>49</sup> 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.”<sup>50</sup> Before reaching a final decision on an application, DOE must also comply with NEPA.<sup>51</sup>

### III. DESCRIPTION OF REQUEST

Lake Charles LNG Export asks DOE to “amend Order Nos. 3868 and 4010 so that the commencement of operations deadline in both orders is extended to December 31, 2031.”<sup>52</sup> Lake Charles LNG Export states that “it is a precondition” of reaching a Final Investment Decision (FID) “that all non-FTA export authorizations remain in full force and effect during construction of the export project.”<sup>53</sup> Therefore, according to Lake Charles LNG Export, “it is necessary to have a six-year extension until December 31, 2031 to ensure that the export project is in-service before the expiration of the deadline in the DOE export orders.”<sup>54</sup>

To support its request, Lake Charles LNG Export contends that it has demonstrated both “the undertaking of substantial construction and other activities in furtherance of the export project, and its inability to meet the current export commencement deadline due to circumstances outside of its control,” as summarized below.<sup>55</sup> Accordingly, Lake Charles LNG Export asserts

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<sup>49</sup> *Id.*

<sup>50</sup> *Id.* § 717o; see also, e.g., *Appalachian Voices v. Fed. Energy Regul. Comm’n*, 139 F.4th 903 (D.C. Cir. 2025) (holding that FERC reasonably concluded that good cause existed to extend deadline to construct natural gas pipeline facilities and denying petition for review, citing NGA § 16 and FERC regulations).

<sup>51</sup> See *Sierra Club v. U.S. Dep’t of Energy*, 867 F.3d 189, 192 (D.C. Cir. 2017).

<sup>52</sup> Ext. App. at 34; see also *id.* at 1, 36.

<sup>53</sup> *Id.* at 3.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.* at 4, 34. To support its description of the Project-related construction activities and other activities reported to DOE and FERC, Lake Charles LNG Export provides a “Declaration of Thomas P. Mason” as Appendix C to the Extension Application. See *id.* at 5 n.12, 26. Mr. Mason serves as “President, LNG and Executive Vice President of Alternative Energy” for Energy Transfer, Lake Charles LNG Export, and other subsidiaries (Decl. at ¶ 1).

that it has demonstrated good cause for DOE to grant the Extension Application.<sup>56</sup>

#### **A. Inability to Meet the Current Export Commencement Deadline**

Lake Charles LNG Export describes “extenuating circumstances outside of its control” that it states demonstrate good cause for the requested extension. First, Lake Charles LNG Export contends that, from 2020 through mid-2022, it faced unanticipated contracting and logistical delays due to the COVID-19 pandemic.<sup>57</sup> According to Lake Charles LNG Export, the resulting economic downturn “almost entirely shut down the demand for long-term LNG export contractual commitments for the Lake Charles Terminal for over two years.”<sup>58</sup> Additionally, Lake Charles LNG Export states that Shell Oil withdrew as a Project sponsor on April 1, 2020, and Lake Charles LNG Export’s parent company, Energy Transfer, assumed 100% of the Project.<sup>59</sup> Lake Charles LNG Export asserts that it was not until early to mid-2022, as the effects of COVID-19 began to lessen and worldwide demand for LNG began to increase following Russia’s invasion of Ukraine, that Energy Transfer was able to ramp up its development activities.<sup>60</sup>

Lake Charles LNG Export adds that the COVID-19 pandemic caused significant supply chain issues that resulted in “severe shortages of critical LNG equipment to be used in the Project,” as well as “substantial increases in the cost of materials.”<sup>61</sup> According to Lake Charles LNG Export, these issues ultimately led to the determination by the Project’s two potential engineering, procurement, and construction (EPC) contractors that they could not honor their EPC bids. Therefore, in the Fall of 2022, the two EPC contractors started a nine-month process

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<sup>56</sup> *Id.* at 34.

<sup>57</sup> *Id.* at 21; *see also id.* at 14.

<sup>58</sup> Ext. App. at 21 (stating that “prospective international customers could not forecast future demand for LNG based on the unknown duration and extent of the impacts of the pandemic”).

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

“to solicit updated bids from every supplier of materials and parts for the Project.”<sup>62</sup> Lake Charles LNG Export states that the process for obtaining new bids was “time-consuming and arduous,” with Energy Transfer receiving revised final bids from the two EPC contractors in May 2023.<sup>63</sup> In September 2024, the negotiations for a new EPC contract were finally completed, with Energy Transfer and KTJV (a joint venture between KBR and Technip Energies) executing the EPC contract.<sup>64</sup>

Lake Charles LNG Export points out that, in June 2022, it filed the 2022 Extension Application seeking a second export commencement extension (*i.e.*, from December 16, 2025, to December 16, 2028) in light of the 2022 FERC Extension Order.<sup>65</sup> Lake Charles LNG Export asserts that, despite FERC finding good cause for the second extension to the Project’s construction and in-service date, “DOE/FECM took ten months to consider [its] extension request but denied it on April 12, 2023, finding that Lake Charles LNG Export had not shown good cause under NGA section 3(a).”<sup>66</sup> On the same date, “DOE under the Biden Administration announced a new policy imposing new restrictions on approvals and extension requests.”<sup>67</sup>

Lake Charles LNG Export further states that, on August 18, 2023, “[a]t DOE’s direction, and having no other recourse,” its affiliate Lake Charles Exports, LLC (LCE) filed a new long-

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<sup>62</sup> *Id.* at 21-22.

<sup>63</sup> *Id.* at 22 (stating that the “low availability” of qualified EPC contractors, as evidenced by the bankruptcy of Golden Pass LNG Terminal LLC’s EPC contractor, Zachry Industrial, Inc., also delayed and complicated Energy Transfer’s finalization of its EPC contract).

<sup>64</sup> Ext. App. at 15, 22.

<sup>65</sup> *Id.* at 15-16.

<sup>66</sup> *Id.* at 16 (noting that DOE denied Lake Charles LNG Export’s request for rehearing of that order); *see also supra* at 4.

<sup>67</sup> *Id.* at 16; *see supra* at 5-6 (discussing DOE’s Policy Statement issued in April 2023, and later rescinded).

term non-FTA export application at DOE.<sup>68</sup> According to Lake Charles LNG Export, 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.”<sup>69</sup> Nonetheless, Lake Charles LNG Export states 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.”<sup>70</sup> Specifically, Lake Charles LNG Export argues that:

- The pause on DOE’s review of LCE’s pending non-FTA application in Docket No. 23-87-LNG “caused considerable angst among the companies that previously had entered into long-term LNG offtake contracts with Energy Transfer for the Liquefaction Project”;
- Energy Transfer’s discussions with other LNG customers and with potential equity participants in the Liquefaction Project “experienced setbacks due to the uncertainty of the timing and substance of DOE’s review process related to the ‘pause’”; and
- Even though a Federal court ruled that DOE’s pause violated the NGA, DOE did not act on LCE’s April 2023 application throughout the remainder of the Biden Administration.<sup>71</sup>

Lake Charles LNG Export states that it was not until January 20, 2025, when President Trump took office and issued Executive Order No. 14154, *Unleashing American Energy*,<sup>72</sup> that “DOE

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<sup>68</sup> See *supra* at note 4. LCE’s 2023 non-FTA application is pending in Docket No. 23-87-LNG. DOE notes that, in Docket Nos. 11-59-LNG and 16-110-LNG, LCE already holds separate long-term FTA and non-FTA authorizations to export the same total volume of LNG from the Lake Charles Terminal (851 Bcf/yr of natural gas), which represents the maximum production capacity of the Project as approved by FERC in 2015. Because the source of LNG for these authorizations is the Lake Charles Terminal, the volumes authorized for export in LCE’s existing orders are not additive to the volumes authorized for export in Lake Charles LNG Export’s existing orders. See, e.g., Ext. App. at 3 n.6.

<sup>69</sup> *Id.* at 23.

<sup>70</sup> *Id.*; see U.S. Dep’t of Energy, “DOE to Update Public Interest Analysis to Enhance National Security, Achieve Clean Energy Goals and Continue Support for Global Allies,” (Jan. 26, 2024), <https://www.energy.gov/articles/doe-update-public-interest-analysis-enhance-national-security-achieve-clean-energy-goals> (announcing that “DOE will pause determinations on pending applications for export of LNG to non-Free Trade Agreement countries” until an update of its analysis of LNG exports is complete).

<sup>71</sup> See *id.* at 23 (citing *State of Louisiana v. Biden*, No. 2:24-CV-00406, 2024 WL 3253103 (W.D. La. July 1, 2024)).

<sup>72</sup> See *supra* at 5-6 (citing Exec. Order 14154).

announced that it was ending the ‘pause’ . . . and returning to regular order” in processing non-FTA applications.<sup>73</sup>

In sum, Lake Charles LNG Export asserts that DOE’s failure to both (i) grant Lake Charles LNG Export’s 2022 Extension Application for Order Nos. 3868 and 4010, as amended, and (ii) act on its affiliate LCE’s pending non-FTA application in Docket No. 23-87-LNG due to 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 above.<sup>74</sup>

### **B. Ongoing Efforts to Advance the Project**

Lake Charles LNG Export states that, despite these “challenging” circumstances outside of their control, Energy Transfer and Lake Charles LNG Export have continued to advance the Project “as demonstrated by the undertaking of substantial construction and other activities.”<sup>75</sup> According to Lake Charles LNG Export, their efforts have included but are not limited to the following:

- Incurred approximately \$398 million in costs to develop the Project, including approximately \$75.6 million since October 2020, when DOE approved the current export commencement deadline;<sup>76</sup>
- Conducted site preparation activities for the Liquefaction Project, including clearing approximately 150 acres of trees, constructing test piles, installing erosion control devices, conducting geotechnical investigations, and relocating an existing road and an existing pipeline, all inspected by FERC;<sup>77</sup>
- Acquired, maintained, and prepared existing import terminal facilities for use as the foundation of the Liquefaction Project, including four LNG storage tanks, two deep water docks capable of handling large LNG vessels, LNG sendout facilities, and other infrastructure; and spent nearly \$8 million to maintain, repair, and upgrade these facilities in order for them to be incorporated into the Liquefaction Project;<sup>78</sup>

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<sup>73</sup> Ext. App. at 23; *see also id.* at 19.

<sup>74</sup> *Id.* at 23-24.

<sup>75</sup> *Id.* at 4, 24.

<sup>76</sup> *Id.* at 3, 24.

<sup>77</sup> *Id.* at 26; *see also id.* at 24-25.

<sup>78</sup> *Id.* at 25.

- Lake Charles LNG Export’s affiliate, Trunkline Gas Company, LLC,<sup>79</sup> completed and put into service a portion of the Pipeline Modifications Project, providing capacity for the natural gas to be transported to the Lake Charles Terminal for liquefaction, as well as various piping modifications to enable bi-directional flow, at a cost to date of approximately \$100 million for this “integral component of the Project”;<sup>80</sup>
- Executed the EPC contract for the Project with KTJV;<sup>81</sup>
- Continued to expend “significant manpower resources” on improving the design of the Project and developing detailed Project execution plans, with more than 40 employees actively working on the Project and several third-party consulting firms providing services related to engineering and construction, commercial development, and finance;<sup>82</sup> and
- Secured all land rights for the LNG export terminal parcel; obtained all required federal, state, and local authorizations and permits related to the construction and operation of the Project facilities; and continued to maintain those permits so that they remain in full force and effect.<sup>83</sup>

Addressing the commercialization of the Project, Lake Charles LNG Export states that Energy Transfer has executed long-term commercial agreements with LNG offtake contracts for approximately 10.0 million metric tons per annum (mtpa) of LNG, “which is 60% of the FERC-approved LNG production capacity of the Project, for terms of 18-25 years.”<sup>84</sup> Energy Transfer has entered into several LNG sale and purchase agreements including, in 2024, two 20-year LNG sale and purchase agreements with Chevron U.S.A. Inc. and Gunvor International B.V., respectively.<sup>85</sup> In April 2025, Energy Transfer also signed a Heads of Agreement with MidOcean Energy involving 30% of the LNG production of the Project (approximately 5.0 mtpa of LNG).<sup>86</sup>

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<sup>79</sup> See *supra* at note 4.

<sup>80</sup> Ext. App. at 25-26.

<sup>81</sup> *Id.* at 28.

<sup>82</sup> *Id.* at 26.

<sup>83</sup> *Id.* at 31. For a summary of these activities identified by Lake Charles LNG Export, see generally *id.* at 26-32.

<sup>84</sup> *Id.* at 29 (internal citation omitted).

<sup>85</sup> Ext. App. at 29-30; see also *id.* at 30-31 (summarizing other long-term commercial agreements signed between 2020 and 2022).

<sup>86</sup> *Id.* at 29; see also *infra* § IV.C (Lake Charles LNG Export providing project updates).



Lake Charles LNG Export states that these recent activities demonstrate its ability “to complete the commercialization of the Project.”<sup>87</sup> Lake Charles LNG Export further argues that DOE’s approval of its Extension Application “would eliminate the uncertainty that has confronted Energy Transfer’s committed and prospective customers and financing sources due to the Biden administration’s LNG ‘pause.’”<sup>88</sup>

Lake Charles LNG Export emphasizes that it “only requests a change in the timing and does not request any changes to the nature of the Project.”<sup>89</sup> Lake Charles LNG Export also points to DOE’s prior finding that Lake Charles LNG Export’s effort to complete the Project and commence the approved exports “promotes the public interest under NGA section 3(a).”<sup>90</sup>

Finally, Lake Charles LNG Export states that “[c]omplex FID financing arrangements require an extension that recognizes the full schedule to reach in-service,” before Lake Charles LNG Export can advance to FID and start full-scale construction.<sup>91</sup> Lake Charles LNG Export therefore asks DOE to act expeditiously on the Extension Application “so that it can proceed to FID and release its EPC contractor to move to the next phase of the construction of the Project.”<sup>92</sup>

#### **IV. DOE PROCEEDING**

##### **A. Public Citizen’s Motion to Intervene**

Public Citizen timely filed its Motion to Intervene on July 1, 2025.<sup>93</sup> Public Citizen states that it is a national, not-for-profit, non-partisan research and advocacy organization

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<sup>87</sup> Ext. App. at 33.

<sup>88</sup> *Id.* at 32.

<sup>89</sup> *Id.* at 33.

<sup>90</sup> *Id.* at 13-14 (citing DOE/FE Order No. 3868-A at 7); *see also id.* at 12 n.45.

<sup>91</sup> Ext. App. at 32.

<sup>92</sup> *Id.* at 33.

<sup>93</sup> *See* Public Citizen Mot. at 1.

representing the interests of household consumers.<sup>94</sup> Public Citizen does not take a position on the Extension Application. Rather, Public Citizen states that it and its members “have an interest in the extension of Lake Charles LNG [Export]’s commencement of export operations deadline, as its operations may come at the expense of higher domestic energy prices for Americans and decrease sufficient availability of domestic gas supply, thereby raising concerns whether the request is consistent with the public interest.”<sup>95</sup>

### **B. Environmental Advocates’ Motion to Intervene and Protest**

Environmental Advocates timely filed their Motion to Intervene and Protest opposing the Extension Application on July 2, 2025.<sup>96</sup> To support their intervention, the seven Environmental Advocates state that their organizational interests “are based on the impact the proposed Lake Charles LNG Project will have on their members and missions.”<sup>97</sup> Because the intervention of each of the Environmental Advocates is opposed by Lake Charles LNG Export, we briefly summarize their organizational interests:

- **For a Better Bayou** – A community-based organization in Southwest Louisiana seeking to “hold[] the fossil fuel industry accountable for the harm it causes to people and environment”;
- **Habitat Recovery Project** – A Louisiana-based nonprofit conservation organization that has created an advisory body of “coastal fisherfolk and cultural stewards” (called The FACTS) who are directly impacted by industrial development in and around Cameron Parish;
- **Healthy Gulf** – A Louisiana-based organization that seeks to protect the integrity of wetlands, waters, wildlife, and other ecological resources throughout Louisiana and the Gulf Region;
- **Louisiana Bucket Brigade** – A Louisiana-based organization with members throughout Louisiana, including in the Lake Charles area, who work with communities that are disproportionately impacted by industrial pollution, including

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<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

<sup>96</sup> *See* Enviro. Advocates Pleading.

<sup>97</sup> *Id.* at 5.

“the adverse environmental impacts . . . of the oil and gas industry”;

- **Micah 6:8 Mission** – A Louisiana-based organization serving the communities in Calcasieu and Cameron Parishes, and working to inform Louisiana residents about the “adverse environmental impacts . . . of the oil and gas industry”;
- **Sierra Club** – A national non-profit organization with more than 3,500 members in Louisiana, including in the areas of Louisiana likely to be affected by increased natural gas production, that works to restore the quality of the natural and human environment and that will be harmed by the requested export term extension; and
- **The Vessel Project of Louisiana** – A grassroots mutual aid and disaster relief organization that works to provide emergency relief to the most vulnerable communities in Southwest Louisiana, which it states will be directly affected by environmental harms associated with the construction and operation of the Project.<sup>98</sup>

Turning to their protest of the Extension Application, Environmental Advocates assert that Lake Charles LNG Export “fails to demonstrate either that the project remains in the public interest or that good cause exists to extend the commencement deadline.”<sup>99</sup> Specifically, Environmental Advocates argue that DOE should deny the Extension Application because DOE’s “[t]hree important factors” for denying Lake Charles LNG Export’s 2022 extension application in April 2023 “still exist with equal, if not greater, force.”<sup>100</sup>

First, they argue that “DOE’s concern that granting an extension in 2023 would require it to rely inappropriately on a prior public interest determination made using stale data remains even more relevant today.”<sup>101</sup> According to Environmental Advocates, DOE noted in 2023 that approving Lake Charles LNG Export’s 2022 Extension Application would require DOE to rely on facts from Lake Charles LNG Export’s 2013 application, “despite many facts that had changed since then.”<sup>102</sup> Further, Environmental Advocates state that Lake Charles LNG Export is currently asking for an extension from 2025 to 2031, “twice as long as the extension from

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<sup>98</sup> *Id.* at 5-9.

<sup>99</sup> *Id.* at 11.

<sup>100</sup> *Id.* at 10-11.

<sup>101</sup> *Id.* at 11.

<sup>102</sup> Enviro. Advocates Pleading at 11-12 (citing DOE/FECM Order Nos. 3868-C and 4010-C at 21).

2025 to 2028 contained in the second extension request.”<sup>103</sup> Environmental Advocates argue that, because the Extension Application, if granted, would extend the commencement date 14½ years from DOE’s initial authorization for non-FTA exports (in Order No. 3868), the requested extension “holds an even higher risk of altering the underlying public interest determination than the shorter request [*i.e.*, the 2022 Extension Application] DOE denied in 2023.”<sup>104</sup>

Second, Environmental Advocates contend that DOE is not bound by FERC’s extension decisions.<sup>105</sup> Environmental Advocates dispute Lake Charles LNG Export’s argument that, because the facts presented were sufficient for FERC to grant an extension for the Project, DOE should likewise accept these facts as sufficient.<sup>106</sup> Environmental Advocates point to DOE’s statement in its 2023 order that it does not have “an obligation to match every FERC extension.”<sup>107</sup>

Third, Environmental Advocates assert that “[t]he reasons the DOE explained in 2023 that export commencement deadlines are important to the DOE’s ability to effectively do its job under the Natural Gas Act remain just as valid today.”<sup>108</sup> For example, Environmental Advocates point to DOE’s prior statement that, if “DOE did not enforce these commencement deadlines, an authorization holder might seek extension after extension without ever being ready to proceed with its project.”<sup>109</sup> Environmental Advocates further argue that DOE’s obligation to enforce Lake Charles LNG Export’s current export commencement deadline is important given that “there are still numerous pending export applications and numerous projects holding export

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<sup>103</sup> *Id.* at 12.

<sup>104</sup> *Id.*

<sup>105</sup> *Id.* at 11.

<sup>106</sup> *Id.* at 12.

<sup>107</sup> *Id.* (quoting DOE/FE Order Nos. 3868-B and 4010-B at 19).

<sup>108</sup> Environmental Advocates Pleading at 12-13.

<sup>109</sup> *Id.* at 13 (quoting DOE/FE Order Nos. 3868-B and 4010-B at 18).

approvals that have not yet commenced export.”<sup>110</sup>

Next, Environmental Advocates argue that none of Lake Charles LNG Export’s arguments about “circumstances or progress that have occurred since 2022” suffice to demonstrate good cause for the requested extension.<sup>111</sup> Environmental Advocates assert that Lake Charles LNG Export’s pre-construction work and commercial progress have been “minimal” and “do not demonstrate substantial progress towards commercialization.”<sup>112</sup> In particular, Environmental Advocates contend that the Lake Charles LNG Export “still has only offtake contracts for approximately 10.0 mtpa of LNG (60% of the FERC-approved production capacity of the project)” and “has not reached FID, despite having had nine years since its original [non-FTA] authorization to do so.”<sup>113</sup> According to Environmental Advocates, the “three 20-year LNG Sale and Purchase Agreements that Lake Charles LNG Export has signed since its previous extension application [in 2022]” should not materially change DOE’s analysis in denying that prior extension request.<sup>114</sup>

Environmental Advocates also assert that the progress made by Lake Charles LNG Export to date is in “stark contrast” to Golden Pass LNG Terminal LLC’s (Golden Pass LNG) progress when DOE approved Golden Pass LNG’s second commencement extension for 18 months in 2025—at which point Golden Pass LNG had reached FID and its Terminal was “mostly constructed.”<sup>115</sup> In comparison, according to Environmental Advocates, Lake Charles LNG Export is requesting a six-year extension “for a project that is years away from being

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<sup>110</sup> *Id.*

<sup>111</sup> *Id.* at 14.

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> Environmental Advocates Pleading at 15 (citing, *e.g.*, DOE/FE Order Nos. 3868-C and 4010-C at 26).

<sup>115</sup> *Id.* (citing *Golden Pass LNG Terminal LLC*, DOE/FECM Order Nos. 3147-F and 3978-G, Docket Nos. 12-88-LNG and 12-156-LNG).

operational, assuming it ever reaches FID, which is far from assured.”<sup>116</sup>

Environmental Advocates also argue that both Golden Pass LNG and another authorization holder, Delfin LNG LLC (Delfin), each received an export commencement extension in 2025 on the basis of specific circumstances that were beyond their control, whereas Lake Charles LNG Export’s “excuses” do not support an extension here.<sup>117</sup> For example, they argue that the nine-month delay in Lake Charles LNG Export receiving updated bids from its potential EPC contractors does “not fully explain why Lake Charles LNG Export has made so little progress” since April 2023, when DOE denied the 2022 Extension Application.<sup>118</sup>

Finally, Environmental Advocates maintain that neither DOE’s denial of the 2022 Extension Application nor DOE’s failure to act on LCE’s new application filed in Docket No. 23-87-LNG due to the LNG pause provides a basis for DOE to grant the Extension Application. Environmental Advocates contend that these arguments are “inappropriately” blaming other factors for Lake Charles LNG Export’s “own delay.”<sup>119</sup>

### **C. Lake Charles LNG Export’s Answer**

In its Answer, filed on July 7, 2025, Lake Charles LNG Export first urges DOE to deny Public Citizen’s and Environmental Advocates’ motions to intervene, asserting that both movants fail to meet the standards for intervention set forth in DOE’s regulations.<sup>120</sup>

For example, Lake Charles LNG Export argues that Public Citizen does not properly establish its claim of interest with respect to the Extension Application, and that Public Citizen does not claim that any of its members or their households are located near the Liquefaction

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<sup>116</sup> *Id.*

<sup>117</sup> *Id.* at 14, 16-17.

<sup>118</sup> *Id.* at 17.

<sup>119</sup> *Id.* at 18.

<sup>120</sup> Lake Charles LNG Export Answer at 3 (citing 10 C.F.R. § 590.303); *id.* at 4-10.

Project.<sup>121</sup> For the seven organizations that comprise the Environmental Advocates, Lake Charles LNG Export makes a variety of opposition arguments, including that: (i) the organizations fail to explain how their members would be impacted by the Extension Application; and (ii) the organizations base their individual claims of interest—such as alleged environmental impacts and higher energy prices associated with the approved exports—on issues that DOE previously addressed in the original authorization orders and that are not relevant to the Extension Application at issue here. Lake Charles LNG Export further argues that, because DOE’s Notice of the Extension Application stated that “DOE will not consider comments or protests that do not bear directly on the Extension Application,”<sup>122</sup> it is “insufficient” for the movants to base their “entire status as an intervenor solely on these issues that are not germane to the examination of the Extension Application.”<sup>123</sup>

Turning to Environmental Advocates’ protest, Lake Charles LNG Export argues that the protest should be rejected for the following reasons, which Lake Charles LNG Export discusses in detail:

(1) Environmental Advocates’ arguments “completely ignore[] the sea change in energy policy mandated by the Trump Administration”—including issuance of Executive Order 14154, the rescission of the Policy Statement on export commencement extensions, and DOE’s recent approval of the Golden Pass LNG and Delfin extension requests without concerns that

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<sup>121</sup> *Id.* at 3-5.

<sup>122</sup> *Id.* (citing Notice of Ext. App., 90 Fed. Reg. at 23,325).

<sup>123</sup> *Id.* at 5-10.

their records had become “stale.”<sup>124</sup> Lake Charles LNG Export further states that DOE’s recent 2024 LNG Export Study “supports continuation of LNG exports.”<sup>125</sup>

(2) Environmental Advocates’ claim that Lake Charles LNG Export has not made substantial progress on the Project is “baseless and easily contradicted by the facts,” which Lake Charles LNG Export provided in detail and which Environmental Advocates do not dispute.<sup>126</sup>

(3) Environmental Advocates “do not dispute that the extenuating circumstances faced by Lake Charles LNG Export were outside of its control,” while criticizing what they view as lack of progress on the Project.<sup>127</sup>

(4) Environmental Advocates’ argument that DOE is not “bound” by the FERC 2025 Extension Order “mischaracterize[s] the Extension Application,” as Lake Charles LNG Export was asserting that “the facts reviewed by FERC in its finding of good cause to grant an extension are the same facts before DOE/FECM that support a good cause for an extension” in this proceeding.<sup>128</sup>

Lake Charles LNG Export also provides the following updates about its further progress in commercializing the Project since April 17, 2025, when it filed the Extension Application:

- In April 2025, Energy Transfer signed a Heads of Agreement with a German energy company for 1.0 mtpa of LNG;

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<sup>124</sup> *Id.* at 11-13.

<sup>125</sup> *Id.* at 14 (summarizing “Key Findings”); *see also* U.S. Dep’t of Energy, Office of Fossil Energy & Carbon Management, *Energy, Economic, & Environmental Assessment of U.S. LNG Exports* (Dec. 2024), <https://fossil.energy.gov/app/docketindex/docket/index/30> [hereinafter 2024 LNG Export Study or 2024 Study] (providing links); U.S. Dep’t of Energy, Office of Fossil Energy & Carbon Management, *Energy, Economic, and Environmental Assessment of U.S. LNG Exports: Response to Comments* (May 19, 2025), [https://www.energy.gov/sites/default/files/2025-05/2024%20LNG%20Export%20Study\\_Response%20to%20Comments\\_Final\\_05.19.2025.pdf](https://www.energy.gov/sites/default/files/2025-05/2024%20LNG%20Export%20Study_Response%20to%20Comments_Final_05.19.2025.pdf) [hereinafter Response to Comments].

<sup>126</sup> Lake Charles LNG Export Answer at 15.

<sup>127</sup> *Id.* at 19-21.

<sup>128</sup> *Id.* at 22; *see also id.* at 21 (noting that FERC had not yet granted its extension request at the time Lake Charles LNG Export filed its Extension Application with DOE).



- In May 2025, Energy Transfer announced that it had entered into a 20-year term LNG Sale and Purchase Agreement with Kyushu Electric Power Company, Inc. for 1.0 mtpa of LNG; and
- In June 2025, Energy Transfer announced that it had entered into an additional 20-year term LNG Sale and Purchase Agreement with Chevron U.S.A. Inc. for an incremental 1.0 mtpa of LNG, in addition to the 2.0 mtpa of LNG that Chevron previously signed up for in December 2024.<sup>129</sup>

For these reasons, Lake Charles LNG Export asks DOE to deny the motions to intervene and reject Environmental Advocates’ protest.

#### **D. Environmental Advocates’ Motion to Reply and Reply**

On July 10, 2025, Environmental Advocates filed a Motion for Leave to Reply and Reply to Lake Charles LNG Export’s Answer.<sup>130</sup> Environmental Advocates note that DOE has allowed similar responsive filings in other proceedings where the filing is “relevant to [DOE’s] consideration of the issues” under review.<sup>131</sup>

According to Environmental Advocates, Lake Charles LNG Export is arguing for an intervention standard “that is not contained in DOE’s regulations and has never been articulated in a DOE order” and that is “incorrectly conflating the substantive issues relevant to DOE’s consideration of the extension application with the range of organizational interests that can support intervention.”<sup>132</sup> Specifically, Environmental Advocates dispute Lake Charles LNG Export’s contention “that because DOE already considered environmental impacts when it originally granted [the] non-FTA authorization[s], organizational interests related to air or water pollution cannot support intervention to oppose the Extension Application.”<sup>133</sup> Environmental Advocates further assert that the description of interests provided for each of the seven

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<sup>129</sup> *Id.* at 15-16.

<sup>130</sup> Enviro. Advocates Reply at 1.

<sup>131</sup> *Id.* (citing *Alaska LNG Project LLC*, DOE/FE Order No. 3643-B, Docket No. 14-96-LNG, Order on Rehearing, at 11 (Apr. 15, 2021)).

<sup>132</sup> *Id.* at 1-2.

<sup>133</sup> *Id.* at 2.

organizations are “detailed and more particular to the region and ecosystems affected” than in other proceedings in which DOE granted a motion to intervene, and that their alleged injuries related to air and water pollution “will not occur if DOE does not grant the Extension Application.”<sup>134</sup> For these and other reasons, they maintain that they have met DOE’s requirements for intervention under 10 C.F.R. § 590.303.

Addressing Lake Charles LNG Export’s rebuttals to their protest, Environmental Advocates assert that “[t]he two additional contracts signed [by Energy Transfer] since submission of the Extension Application” do not support Lake Charles LNG Export’s claims of good cause for the requested extension.<sup>135</sup> Environmental Advocates also contend that Lake Charles LNG Export “conflate[s] spending money with making progress towards commercialization,” arguing that DOE “has looked to factors such as construction progress or progress toward reaching FID.”<sup>136</sup>

Environmental Advocates also argue that DOE’s rescission of the Policy Statement for export commencement extensions is not relevant, as DOE denied Lake Charles LNG Export’s second extension request in 2023 “under the pre-policy statement practice and therefore apply the same extension standard to which DOE has now returned.”<sup>137</sup> Finally, they assert that executive orders do not alter DOE’s obligations under the NGA.<sup>138</sup>

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<sup>134</sup> *Id.* at 2-3.

<sup>135</sup> *Id.* at 4.

<sup>136</sup> Enviro. Advocates Reply at 4.

<sup>137</sup> *Id.*

<sup>138</sup> *Id.*

## **V. DISCUSSION AND CONCLUSIONS**

### **A. Procedural Matters**

#### **1. Environmental Advocates' Motion for Leave to Reply**

We find good cause to grant Environmental Advocates' Motion for Leave to Reply to Lake Charles LNG Export's Answer. As Environmental Advocates acknowledge, DOE's regulations do not provide the right for such a reply.<sup>139</sup> However, we find that granting the motion will not substantially prejudice the rights of Lake Charles LNG Export, since the arguments contained in Environmental Advocates' Reply are both narrowly tailored to addressing Lake Charles LNG Export's Answer and relevant to the issues under consideration. Accordingly, DOE grants the Motion for Leave to Reply.<sup>140</sup>

#### **2. Motions to Intervene**

Public Citizen and Environmental Advocates (collectively, Movants) each filed a timely motion to intervene. As noted above, Lake Charles LNG Export argues that both motions fail to meet DOE's standard for intervention, as the Movants' arguments do not amount to a specific "claim of interest" in the Extension Application (as opposed to general concerns related to the fossil fuel industry).<sup>141</sup> Additionally, Lake Charles LNG Export asserts that the issues raised by the Movants were "already examined" by DOE when it originally granted the non-FTA authorizations to Lake Charles LNG Export, and thus those issues are "not germane" to DOE's examination of the Extension Application.<sup>142</sup>

We disagree with Lake Charles LNG Export and find good cause to grant both motions to intervene. First, DOE's regulatory requirements for intervention are not as demanding or

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<sup>139</sup> See *id.* at 1; see also 10 C.F.R. §§ 590.303, 590.304.

<sup>140</sup> See *infra* § VI (Ordering Para. J).

<sup>141</sup> Lake Charles LNG Export Answer at 3-4; see also 10 C.F.R. § 590.303(b)

<sup>142</sup> E.g., *id.* at 4-5.

prescriptive as Lake Charles LNG Export contends.<sup>143</sup> As relevant here, DOE’s regulations require a proposed intervenor to set out the facts upon which its “claim of interest is based.”<sup>144</sup> Yet, Lake Charles LNG Export objects to Public Citizen’s intervention, in part, because Public Citizen does not claim that any of its U.S. members live “in the vicinity of the Project.”<sup>145</sup> DOE, however, does not require a movant to live in the vicinity of the relevant LNG export facility to demonstrate a claim of interest in an application. It is sufficient that Public Citizen asserts its interest in “the extension of Lake Charles LNG [Export’s] commencement of export operations deadline” as, according to Public Citizen, those operations may result in higher domestic energy prices for U.S. consumers whom Public Citizen represents, among other alleged harms.<sup>146</sup> Similarly, it is sufficient for Environmental Advocates to assert organizational interests related to alleged harms from the Project’s export operations and local LNG development to support their intervention.<sup>147</sup>

Additionally, contrary to Lake Charles LNG Export’s arguments, there is no basis to segregate the requested commencement extension from the exports (or “export operations”) previously approved by DOE in Order Nos. 3868 and 4010 for purposes of considering the present motions to intervene. In the Extension Application, Lake Charles LNG Export asserts that, “without” the requested extension, “the Project likely would not be able to get to FID.”<sup>148</sup> It would be overly rigid—and prejudicial to Public Citizen and Environmental Advocates—to find that their claims of interest in the Extension Application cannot overlap with substantive issues

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<sup>143</sup> See *Enviro. Advocates Reply* at 1.

<sup>144</sup> 10 C.F.R. § 590.303(b).

<sup>145</sup> *Lake Charles LNG Export Answer* at 4.

<sup>146</sup> *Pub. Citizen Mot.* at 1.

<sup>147</sup> See *Enviro. Advocates Reply* at 1-2 (stating, for example, that their “injuries related to air and water pollution will not occur if DOE does not grant the Extension Application; therefore, these pollution-related injuries constitute an interest supporting intervention”); see also *id.* at 5-9.

<sup>148</sup> *Ext. App.* at 3; see also *id.* at 33 (“Lake Charles LNG Export needs DOE to expeditiously act on this Extension Application so that it can proceed to FID and release its EPC contractor to move to the next phase” of the Project).

previously examined by DOE in granting the underlying non-FTA authorizations (or, indeed, that such claims of interest must be “narrower”),<sup>149</sup> when Lake Charles LNG Export itself admits that the likelihood of its Project reaching FID and commencing exports is dependent on DOE granting the Extension Application.<sup>150</sup> We agree with Environmental Advocates that Lake Charles LNG Export is “incorrectly conflating the substantive issues relevant to DOE’s consideration of the extension application with the range of organizational interests that can support intervention.”<sup>151</sup>

Similarly, Lake Charles LNG Export points to DOE’s language in the Notice of the Extension Application, in which DOE stated that, because the public “previously was given an opportunity to intervene in, protest, and comment on Lake Charles LNG Export’s long-term non-FTA applications,” DOE “will not consider comments or protests that do not bear directly on the Extension Application.”<sup>152</sup> This language, however, does not include motions to intervene because a movant may have the same (or similar) claims of interest in different application proceedings in the same docket.<sup>153</sup>

In sum, we find that Public Citizen and each of the Environmental Advocates have met the standard for intervention, and we grant their respective motions to intervene.<sup>154</sup>

## **B. Requested Export Commencement Extension**

Lake Charles LNG Export asserts that it has demonstrated good cause for an extension of its current export commencement deadline in its non-FTA authorizations—from December 16, 2025, to December 31, 2031. Environmental Advocates, on the other hand, contend that Lake

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<sup>149</sup> Enviro. Advocates Reply at 2.

<sup>150</sup> See Ext. App. at 3, 32-33; *see also* Enviro. Advocates Reply at 2.

<sup>151</sup> Enviro. Advocates Reply at 1-2.

<sup>152</sup> Notice of Ext. App., 90 Fed. Reg. at 23,325 (emphasis added), *cited in* Lake Charles LNG Export Answer at 4-10 (argument raised for every individual movant).

<sup>153</sup> *E.g.*, Lake Charles LNG Export Answer at 4-5.

<sup>154</sup> See *infra* § VI (Ordering Para. I).

Charles LNG Export’s arguments fail to demonstrate good cause for the extension, and thus DOE should deny the Extension Application “for the same reasons that it previously denied Lake Charles LNG Export’s request to extend the commencement deadline” in 2023.<sup>155</sup>

### **1. Regulatory and Policy Considerations**

In light of Environmental Advocates’ arguments, we find it necessary to address two threshold points: (i) the regulatory landscape, including changing energy policy, in which DOE is evaluating the Extension Application, and (ii) the limited scope of DOE’s review in this extension proceeding.

First, Environmental Advocates’ arguments rely heavily on DOE’s denial of Lake Charles LNG Export’s 2022 Extension Application on April 21, 2023 (in Order Nos. 3868-B and 4010-B) and in DOE’s subsequent denial of rehearing (in Order Nos. 3868-C and 4010-C).<sup>156</sup> Environmental Advocates attempt to extrapolate DOE’s reasoning in those orders to this proceeding, arguing that DOE’s rationale related to the facts pertaining to the Project and to the “broader policy purposes served by export commencement deadlines” still exist today “with equal, if not greater, force.”<sup>157</sup> We agree with Lake Charles LNG Export, however, that Environmental Advocates “completely ignore[] the sea change in energy policy” that has occurred since April 2023—including the issuance of Executive Order 14154 (following the change in presidential administrations in January 2025);<sup>158</sup> the rescission of the Policy Statement on export commencement extensions in April 2025 to remove the “strict criteria” that placed an “undue burden” on such requests;<sup>159</sup> and DOE’s recent approval of the Golden Pass LNG and

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<sup>155</sup> Enviro. Advocates Pleading at 1; *see also id.* at 10.

<sup>156</sup> *See generally id.* at 10-18.

<sup>157</sup> *Id.* at 10.

<sup>158</sup> As noted above, Executive Order 14154 directs agencies to review and suspend, revise, or rescind actions that “unduly burden” the development of domestic energy resources, with “particular attention” to natural gas. *See supra* § I (citing 90 Fed. Reg. 8353 at 8354).

<sup>159</sup> Rescission Notice, 90 Fed. Reg. at 14,411, *supra* § I.

Delfin commencement extension requests.<sup>160</sup> Even though DOE denied the 2022 Extension Application on the basis of its pre-Policy Statement practice (to which DOE has now returned following rescission of the Policy Statement),<sup>161</sup> DOE denied the 2022 Extension Application on the same day that it issued the Policy Statement, and both actions reflect a regulatory landscape in 2023 that generally disfavored commencement extensions.<sup>162</sup>

For example, in adopting the Policy Statement, DOE cited “new challenges involving the growing volume of approved non-FTA exports associated with facilities that are not currently operating or under construction.”<sup>163</sup> DOE explained that, “as more authorization holders are authorized to export or re-export U.S.-sourced LNG to non-FTA countries—but are not engaged in actual export or re-export operations—this approval gap, or ‘authorization overhang,’ has widened, with detrimental effects.”<sup>164</sup> Today, however, the evidence shows global market conditions strongly favoring the development of U.S. LNG projects, with U.S. industry responding accordingly. Global demand for U.S. LNG is surging.<sup>165</sup> To date in 2025, three U.S. LNG projects have reached FID,<sup>166</sup> and six different U.S. export projects together have signed at

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<sup>160</sup> Lake Charles LNG Export Answer at 11 (section heading), 12-13.

<sup>161</sup> See Policy Statement, 88 Fed. Reg. at 25,278 (stating that, the new criteria imposed under the Policy Statement notwithstanding, DOE will take action on Lake Charles LNG Export’s 2022 Extension Application “under DOE’s prior practice based on the record in [the] commencement extension proceeding”); see also Rescission Notice, 90 Fed. Reg. at 14,411 (Apr. 2, 2025) (following rescission of the Policy Statement, DOE will “grant such extensions for good cause shown on a case-by-case basis consistent with DOE’s practice prior to the issuance of the Policy Statement”).

<sup>162</sup> Also reflecting this regulatory landscape, DOE issued only one long-term non-FTA authorization in 2023 (DOE/FECM Order No. 4961, issued on March 3, 2023, to Freeport LNG Expansion, L.P., *et al.*, authorizing 0.24 Bcf/d of additional export volumes to the Freeport LNG Liquefaction Project), despite other non-FTA applications pending before DOE.

<sup>163</sup> Policy Statement, 88 Fed. Reg. at 25,276-77.

<sup>164</sup> *Id.* at 26,276.

<sup>165</sup> For example, Reuters recently reported that the European Union pledged \$750 billion in U.S. energy purchases, including LNG, as part of a “sweeping” trade pact. See Reuters, *US LNG producers climb as EU agrees to \$750 billion in energy purchases* (July 28, 2025), <https://www.reuters.com/business/energy/us-lng-producers-climb-eu-agrees-750-billion-energy-purchases-2025-07-28/> (stating that “the deal bolster[s] the prospects for American LNG exporters as they expand to meet growing demand for cleaner-burning fuels”).

<sup>166</sup> The following companies have reached a positive FID on their projects this year: (i) Louisiana LNG Infrastructure LLC; (ii) Corpus Christi Liquefaction, LLC, CCL Midscale 8-9, LLC, and Cheniere Marketing, LLC (collectively, CCL); and (iii) Venture Global CP2 LNG, LLC.

least 13 sales and purchase agreements for volumes of U.S. LNG totaling more than 800 Bcf/yr of natural gas for terms ranging from 13 to 20 years.<sup>167</sup>

In short, the regulatory landscape for export commencement extensions has fundamentally changed since April 2023, when DOE denied Lake Charles LNG Export’s 2022 Extension Application and subsequently denied rehearing. We find that DOE’s reasoning in those prior orders is not relevant to DOE’s evaluation of the current Extension Application—which is based on different policy considerations and additional facts presented by Lake Charles LNG Export, as discussed below.

Second, we find that Environmental Advocates’ arguments that the requested extension may “alter[] the underlying public interest determination” in Order Nos. 3868 and 4010 are inapposite.<sup>168</sup> For example, Environmental Advocates contend that a grant of the Extension Application would require DOE “to rely inappropriately on a prior public interest determination made using stale data”—including “facts from [Lake Charles LNG Export’s] 2013 application” requesting its original non-FTA authorization (Order No. 3868).<sup>169</sup> Yet, “[o]ur inquiry when reviewing a request for extension of time is narrow—it is not an opportunity to revisit the determinations made in Natural Gas Act authorizations after orders have become final and unappealable.”<sup>170</sup> Accordingly, no facts associated with Lake Charles LNG Export’s original non-FTA applications, and no requirements of the non-FTA authorizations, are at issue beyond the additional time period for Lake Charles LNG Export to commence export operations, and we

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<sup>167</sup> These sales and purchase agreements have been submitted to DOE and/or publicly reported.

<sup>168</sup> *Enviro. Advocates Pleading* at 11.

<sup>169</sup> *Id.*

<sup>170</sup> *Port Arthur LNG, LLC and Port Arthur Pipeline, LLC*, Order Granting Extension of Time, 181 FERC ¶ 61,024 (Oct. 13, 2022) (Danly, Comm’r, concurring) (FERC granting extension of Port Arthur’s construction and in-service deadline for its liquefaction and pipeline projects).



reject any such arguments.<sup>171</sup>

Similarly, in its Motion to Intervene, Public Citizen states that it has an interest in Lake Charles LNG Export’s request “as its [LNG] operations may come at the expense of higher domestic energy prices . . . and decrease sufficient availability of natural gas.”<sup>172</sup> We reiterate that “[e]xtension of time proceedings are not an invitation” to re-litigate the issuance of non-FTA authorizations under NGA section 3(a), including Lake Charles LNG Export’s orders.<sup>173</sup> We also find that Public Citizen offers no support for these assertions, nor does it acknowledge that DOE evaluated potential impacts to domestic energy prices and natural gas supply and reached contrary conclusions in issuing Order Nos. 3868 and 4010 under NGA section 3(a) based on a substantial evidentiary record (and, several years later, in extending the export term in both authorizations through December 31, 2050).<sup>174</sup> Additionally, we note that the requested extension does not affect the cumulative volume of non-FTA exports that DOE has approved to date.<sup>175</sup>

To the extent more recent data is relevant, we agree with Lake Charles LNG Export that DOE’s 2024 LNG Export Study supports continued exports of U.S. LNG on the basis of far-

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<sup>171</sup> See *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 14 (Apr. 21, 2023) (“Because this proceeding involves only the requested commencement extension, we find that any objections about LNG exports beyond that issue are not relevant.”).

<sup>172</sup> Public Citizen Mot. at 1.

<sup>173</sup> *Port Arthur LNG, LLC and Port Arthur Pipeline, LLC*, Order Granting Extension of Time, 181 FERC ¶ 61,024, P 12.

<sup>174</sup> See, e.g., *Lake Charles LNG Export*, DOE/FE Order No. 3868, at 129 (finding that “the evidence shows that the market will be capable of sustaining the level of exports proposed [by Lake Charles LNG Export] over the term of the requested authorization without significant negative price or other impacts”—including impacts to domestic supplies of natural gas); see also *id.* at 127-35; see also *Lake Charles LNG Export*, DOE/FE Order Nos. 3868-D and 4010-D (extending non-FTA export terms to December 31, 2050).

<sup>175</sup> See *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, Docket No. 15-25-LNG, Order Amending Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations, at 39-40 (Aug. 1, 2025). In each non-FTA authorization, DOE also examines the potential impact of LNG exports on domestic natural gas prices based on DOE’s cumulative volume of non-FTA exports approved to date. See *id.* at 31-32.

reaching positive benefits to the U.S. economy and energy security.<sup>176</sup>

## 2. Evidence of Good Cause

Lake Charles LNG states that it is necessary to obtain a six-year extension to its current export commencement deadline—from December 16, 2025, to December 31, 2031—“to ensure that the [Project] is in-service before the expiration of the deadline in the DOE export orders.”<sup>177</sup>

As noted above, FERC recently issued an order extending Lake Charles LNG Export’s construction and in-service deadline for the Project to December 31, 2031,<sup>178</sup> and Lake Charles LNG Export’s request to DOE would align these FERC and DOE deadlines. Although DOE has the responsibility to independently evaluate any application to extend the deadline by which exports must commence from the Project (and the discretion to impose a different deadline than FERC), we nonetheless find FERC’s grant of the extension to be a compelling factor here.<sup>179</sup> 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.<sup>180</sup> 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.<sup>181</sup>

Turning to the Extension Application, Lake Charles LNG Export describes a variety of circumstances “outside of its control” to explain its need for this second extension, including but

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<sup>176</sup> See, e.g., Response to Comments at 46-48. Although the 2024 Study included an environmental analysis, DOE has determined that it is appropriate to rely “only on the economic analysis in the 2024 Study, as well as DOE’s related findings on energy security.” *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at 15-16 (citations omitted).

<sup>177</sup> Ext. App. at 3.

<sup>178</sup> See FERC 2025 Ext. Order.

<sup>179</sup> In this regard, DOE agrees with Environmental Advocates that “DOE is ... not bound by FERC’s extension decisions.” *Enviro. Advocates Pleading* at 11. Nonetheless, as explained herein, DOE has independently evaluated the facts presented by Lake Charles LNG Export and other record evidence in this proceeding, including the FERC 2025 Extension Order and Environmental Advocates’ opposition arguments.

<sup>180</sup> See Ext. App., Exh. A (detailed list of “[p]roject-related construction activities and other activities reported to DOE and FERC”).

<sup>181</sup> Additionally, we note that the extension request at FERC was uncontested. See FERC 2025 Ext. Order at 2.

not limited to continuing adverse market conditions and logistical issues associated with the COVID-19 pandemic; withdrawal of a key Project sponsor; a nine-month process to solicit new cost estimates and bids from suppliers to support its EPC bid (due to severe supply-chain disruptions, among other issues); delays and complications in finalizing its EPC contract; and a multi-year period of regulatory uncertainty that it attributes to DOE's actions.

Specifically, Lake Charles LNG Export points to 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, 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.<sup>182</sup>

We are persuaded by Lake Charles LNG Export that 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—even apart from the earlier delays cited in its 2022 Extension Application. For this reason, we disagree with Environmental Advocates that Lake Charles LNG Export is merely making a "circular argument."<sup>183</sup> To the contrary, we find that Lake Charles LNG Export (as well as Energy Transfer and LCE) pressed forward with a variety of efforts to advance the Project with the goal

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<sup>182</sup> Ext. App. at 22-24.

<sup>183</sup> Enviro. Advocates Pleading at 18.

of commencing exports before its existing export commencement deadline expires on December 16, 2025, but was unsuccessful due to circumstances outside of its control.<sup>184</sup>

Next, we evaluate whether Lake Charles LNG Export has demonstrated that it made good faith efforts to progress the Project to meet its existing deadline. Environmental Advocates assert that “the progress made by Lake Charles LNG Export towards commercialization of the project is not significant enough to establish good cause” and does not “show a likelihood of having an operational terminal in any near timeline.”<sup>185</sup> Environmental Advocates further argue that Lake Charles LNG Export’s progress to date “stands in stark contrast” to Golden Pass LNG Terminal LLC (Golden Pass), which received its second export commencement extension from DOE in March 2025. Environmental Advocates, however, 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. DOE does not, for example, require a showing of “likelihood of having an operational terminal” within a specific time period.<sup>186</sup>

As detailed above, Lake Charles LNG Export has advanced its Project through a variety of commercial, financial, legal, and physical efforts. To date, Lake Charles LNG Export has executed 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.<sup>187</sup> Further, in April 2025, Lake Charles LNG Export signed a Heads of Agreement with MidOcean Energy involving an additional 30% of the LNG production of the Project. In 2024, its affiliate, Trunkline Gas

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<sup>184</sup> See, e.g., *Appalachian Voices v. Fed. Energy Reg. Comm’n*, 139 F.4th 903, 913 (D.C. Cir. 2025) (in examining reasons for delay under FERC’s good cause standard for extensions, FERC “has found a wide range of circumstances to support good cause, including legal or litigation-related barriers”).

<sup>185</sup> Enviro. Advocates Pleading at 14-15.

<sup>186</sup> *Id.* at 15.

<sup>187</sup> Lake Charles LNG Export Answer at 15-16.

Company, LLC, put a portion of the Pipeline Modifications Project into service, which will provide capacity for the natural gas to be transported to the Lake Charles Terminal for liquefaction, among other pipeline modifications at a total cost to date of approximately \$100 million for that portion of the Project alone. Meanwhile, Lake Charles LNG Export has secured and maintained all land rights and authorizations necessary for the Project, among many other ongoing activities.<sup>188</sup>

Although Environmental Advocates point to the Golden Pass extension example, as well as to the commencement extension granted to Delfin LNG, LLC (Delfin), they fail to acknowledge that both Golden Pass and Delfin received their commencement extension under the Policy Statement, which imposed strict criteria for such an extension. It is thus not surprising that these authorization holders were more advanced in their construction progress and/or had unique delays affecting their project. This does not mean, however, that Lake Charles LNG Export fails to demonstrate good cause based on the record before us. It is sufficient for an authorization holder to demonstrate that it has made good faith efforts to meet its existing export commencement deadline but encountered circumstances that prevented it from doing so.<sup>189</sup> For the reasons set forth above, we find that Lake Charles LNG has met this standard.

### **3. Other Considerations**

Lake Charles LNG Export is authorized to export LNG under Order Nos. 3868 and 4010 (as amended) through December 31, 2050—*i.e.*, for an additional 19 years after the requested export commencement date of December 31, 2031. The six-year extension requested by Lake Charles LNG Export to commence exports is modest in the context of the full export term under

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<sup>188</sup> See *Appalachian Voices*, 139 F.4th at 913 (observing that FERC “has found that sponsors made good faith efforts where they advanced their projects by applying for permits, engaging in litigation, acquiring necessary land rights, or negotiating with state agencies”) (internal quotation marks omitted).

<sup>189</sup> See *id.*; see also, *e.g.*, *Port Arthur LNG, LLC*, DOE/FECM Order Nos. 3698-C and 4372-B, at 12-14.

both orders. Moreover, because the term of Lake Charles LNG Export’s non-FTA authorizations ends on December 31, 2050, and its annual authorized export volume is fixed (851 Bcf/yr of natural gas), a grant of the Extension Application will postpone the commencement deadline and thus result in a *lower* total volume of LNG exports over the term of the authorizations.

Nonetheless, based on the evidence discussed herein, we find 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.

### **C. Environmental Review**

DOE’s NEPA procedures provide for a categorical exclusion if neither an environmental assessment (EA) nor an environmental impact statement (EIS) is required—specifically, categorical exclusion B5.7, *Export of natural gas and associated transportation by marine vessel*.<sup>190</sup> On August 20, 2025, DOE issued a categorical exclusion determination for the amendments to Order Nos. 3868 and 4010 (as previously amended) described herein.<sup>191</sup>

### **D. Conclusion**

DOE has reviewed the evidence in the record, including the arguments opposing the Extension Application by Environmental Advocates (the only protestors in this proceeding). Based on this record, DOE finds 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. Accordingly, DOE grants the Extension Application. Lake Charles LNG Export now has until

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<sup>190</sup> See 10 C.F.R. Part 1021, Subpt. D, App. B, Categorical Exclusion B5.7.

<sup>191</sup> U.S. Dep’t of Energy, Categorical Exclusion Determination, Lake Charles LNG Export Co., LLC, Docket Nos. 13-04-LNG and 16-109-LNG (Aug. 20, 2025).

December 31, 2031, to commence exports from the Lake Charles Terminal to non-FTA countries under both Order Nos. 3868 and 4010, as amended, in this Order.

Additionally, as discussed above, DOE finds it necessary and appropriate to amend the authorizations to provide three additional years for Lake Charles LNG Export to export the approved non-FTA volume of LNG under Order Nos. 3868 and 4010 (a combined total of 851 Bcf/yr of natural gas) beyond the export term for each authorization ending on December 31, 2050 (Make-Up Period).<sup>192</sup> During this Make-Up Period, which will extend through December 31, 2053, Lake Charles LNG Export will be permitted to export any approved volume of LNG that it is unable to export during the original export term (the Make-Up Volume).<sup>193</sup>

## **VI. ORDER**

Pursuant to sections 3 and 16 of the Natural Gas Act, DOE hereby orders as follows for Lake Charles LNG Export's non-FTA authorizations:

### **DOE/FE Order No. 3868 (Docket No. 13-04-LNG):**

A. Term and Condition A ("Term of the Authorization") of Order No. 3868, as amended by Order No. 3868-D, is amended to state as follows:

Consistent with DOE's practice, DOE will grant Lake Charles LNG Export's authorization for a term to commence on the date of first export from the Lake Charles Terminal and to extend through December 31, 2050 (established in DOE/FECM Order No. 3868-D). Lake Charles LNG Export will be permitted to continue exporting the approved volume of LNG for a total of three years following the

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<sup>192</sup> 15 U.S.C. § 717o; *see supra* notes 8-9 (citing DOE/FE Order Nos. 3868-D and 4010-D, which previously extended the export term for each order through December 31, 2050).

<sup>193</sup> *See supra* at 8.

end of its export term on December 31, 2050, solely to export any approved volume of LNG that it is unable to export during the original export term (the Make-Up Volume). The three-year term during which the Make-Up Volume may be exported, known as the Make-Up Period, will extend through December 31, 2053.

This amended Term and Condition Paragraph A supersedes Term and Condition Paragraph A in DOE/FE Order No. 3868, as amended by Order No. 3868-D, in its entirety.

B. Ordering Paragraph A of Order No. 3868, as amended by Order No. 3868-D, is further amended to state as follows:

Lake Charles LNG Export Company, LLC (Lake Charles LNG Export) is authorized to export domestically produced LNG by vessel from the Lake Charles Terminal located in Lake Charles, Louisiana, in a volume equivalent to 730 Bcf/yr of natural gas for a term commencing on the date of first export and extending through December 31, 2050. Lake Charles LNG Export may continue exporting any Make-Up Volume for a three-year Make-Up Period following this export term, *i.e.*, through December 31, 2053.<sup>194</sup> Lake Charles LNG Export is authorized to export this LNG on its own behalf and as agent for other entities that hold title to the natural

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<sup>194</sup> See Term & Condition A of Order No. 3868, as amended, *supra*. This three-year Make-Up Period does not affect or modify the export volume previously authorized in Lake Charles LNG Export's FTA authorization in Docket No. 13-04-LNG (DOE/FE Order No. 3252) or in this Order. Insofar as Lake Charles LNG Export may seek to export additional volumes not previously authorized, it will be required to obtain appropriate authorization from DOE.



gas, pursuant to one or more contracts of any duration.<sup>195</sup>

This amended Ordering Paragraph A supersedes Ordering Paragraph A in Order No. 3868, as amended by Order No. 3868-D, in its entirety.

C. Ordering Paragraph D of Order No. 3868, as amended by Order No. 3868-A, is further amended to state as follows:

Lake Charles LNG Export must commence export operations using the planned liquefaction facilities no later than December 31, 2031.

This amended Ordering Paragraph D supersedes Ordering Paragraph D in Order No. 3868, as amended by Order No. 3868-A, in its entirety.<sup>196</sup>

**DOE/FE Order No. 4010 (Docket No. 16-109-LNG, Non-FTA Portion of Authorization):**

D. The following paragraph will replace the non-FTA portion of Term and Condition A (“Term of the Authorization”) of Order No. 4010, as amended in Order No. 4010-D, in its entirety:

For the non-FTA authorization, and consistent with DOE’s current practice, DOE will grant Lake Charles LNG Export’s authorization for a term to commence on the date of first export from the Lake Charles Terminal and to extend through December 31, 2050 (established in DOE/FECM Order No. 4010-D). Lake Charles LNG Export will be permitted to continue exporting the approved volume of LNG for a total of three years following the end of its export term

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<sup>195</sup> See U.S. Dep’t of Energy, Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis, 86 Fed. Reg. 2243 (Jan. 12, 2021).

<sup>196</sup> DOE’s prior amendment to Ordering Paragraph D, set forth in Order No. 3868-A, “render[ed] moot Term and Condition (B) of Order No. 3868, ‘Commencement of Operations Within Seven Years.’” *Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 3868-A, at 8 n.25.

on December 31, 2050, solely to export any approved volume of LNG that it is unable to export during the original export term (the Make-Up Volume). The three-year term during which the Make-Up Volume may be exported, known as the Make-Up Period, will extend through December 31, 2053.

E. Ordering Paragraph A of Order No. 4010, as amended by Order No. 4010-D, is further amended to state as follows:

Lake Charles LNG Export Company, LLC (Lake Charles LNG Export) is authorized to export domestically produced LNG by vessel from the Lake Charles Terminal located in Lake Charles, Louisiana, in a volume equivalent to 121 Bcf/yr of natural gas for a term commencing on the date of first export and extending through December 31, 2050. Lake Charles LNG Export may continue exporting any Make-Up Volume for a three-year Make-Up Period following this export term, *i.e.*, through December 31, 2053.<sup>197</sup> Lake Charles LNG Export is authorized to export this LNG on its own behalf and as agent for other entities that hold title to the natural gas, pursuant to one or more contracts of any duration.<sup>198</sup>

This amended Ordering Paragraph A supersedes Ordering Paragraph A in Order No. 4010, as amended by Order No. 4010-D, in its entirety.

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<sup>197</sup> See Term & Condition A of Order No. 4010, as amended, *supra*. This three-year Make-Up Period does not affect or modify either the FTA or non-FTA volume approved in this consolidated Order. Insofar as Lake Charles LNG Export may seek to export additional volumes not previously authorized, it will be required to obtain appropriate authorization from DOE.

<sup>198</sup> See U.S. Dep't of Energy, Including Short-Term Export Authority in Long-Term Authorizations for the Export of Natural Gas on a Non-Additive Basis, 86 Fed. Reg. 2243 (Jan. 12, 2021).

F. Ordering Paragraph E of Order No. 4010, as amended by Order No. 4010-A, is amended to state:

For the FTA authorization, the Lake Charles LNG Export term commences on the earlier of: (i) the date of first export, or (ii) December 31, 2031.<sup>199</sup>

For the non-FTA authorization, Lake Charles LNG Export must commence export operations using the planned liquefaction facilities no later than December 31, 2031.

This amended Ordering Paragraph E supersedes Ordering Paragraph E in Order No. 4010-A in its entirety.<sup>200</sup>

G. Any other references to a commencement deadline of December 16, 2025, in the Terms and Conditions or Ordering Paragraphs of DOE/FE Order Nos. 3868 and 4010, both as amended, are now moot.

H. All other obligations, rights, and responsibilities established by DOE/FE Order Nos. 3868 and 4010, both as amended, remain in effect.

I. The Motions to Intervene filed by Public Citizen and Environmental Advocates, respectively, are granted.<sup>201</sup>

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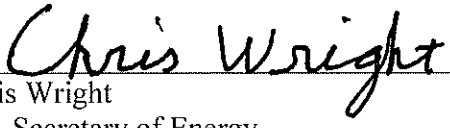
<sup>199</sup> DOE notes that the FTA requirement applies to the date by which an authorization holder's FTA export term must start, whereas the non-FTA requirement applies to the deadline by which an authorization holder must commence export operations to non-FTA countries (after which point the non-FTA authorization will expire by its own terms).

<sup>200</sup> DOE's prior amendment to the non-FTA portion of Ordering Paragraph E, set forth in Order No. 4010-A, "render[ed] moot Term and Condition (B) of Order No. 4010, 'Commencement of Operations.'" *Lake Charles LNG Export Co., LLC*, DOE/FE Order No. 4010-A, at 11 n.26.

<sup>201</sup> 10 C.F.R. § 590.303.

J. The Motion for Leave to Reply filed by Environmental Advocates is granted.

Issued in Washington, D.C., on August 22, 2025.

  
Chris Wright  
U.S. Secretary of Energy