

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

<b>In the matter of</b>  <b>Lake Charles LNG Export Company, LLC</b>	) ) ) ) )	<b>Docket Nos. 16-109-LNG 13-04-LNG</b>
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**REQUEST FOR REHEARING**

Pursuant to Section 19(a) of the Natural Gas Act, 15 U.S.C. § 717r(a), and 10 C.F.R. § 590.501, For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah 6:8 Mission, Sierra Club, and the Vessel Project of Louisiana (collectively, “Environmental and Community Advocates”) and Public Citizen, Inc. (“Public Citizen”) hereby request rehearing of the U.S. Department of Energy’s (“DOE” or the “Department”) August 22, 2025, order in the above-captioned dockets. *Lake Charles LNG Export Company, LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, DOE/FECM Order No. 3868-E/4010-E (August 22, 2025) (“Extension Order”). That order granted Lake Charles LNG Export Company, LLC’s (“Lake Charles LNG Export”) request to extend the commencement deadline on its previously-granted authorization to export liquefied natural gas (“LNG”) to non-free trade agreement (“non-FTA”) countries from its proposed Lake Charles LNG project.

This request for rehearing is timely filed because it is being filed within 30 days of the Extension Order. 10 C.F.R. § 590.501(a). Because DOE granted Environmental and Community Advocates’ and Public Citizen’s motions to intervene, Extension Order at 25–27, the Environmental and Community Advocates and Public Citizen are parties to this proceeding with standing to file a request for rehearing, 10 C.F.R. § 590.102(l). Additionally, Sierra Club, Louisiana Bucket Brigade, and Healthy Gulf were previously granted intervention into Docket 16-109-LNG, *Lake Charles LNG Export Company, LLC*, Docket Nos. 13-04-LNG & 16-109-

LNG, DOE/FECM Order No. 3868-B/4010-B, at 5 (Apr. 21, 2023), and Sierra Club was previously granted intervention into Docket 13-04-LNG. *Lake Charles LNG Export Company, LLC*, Docket No. 13-04-LNG, DOE/FE Order No. 3868, at 126–27 (July 29, 2016). We maintain that re-intervention in the same docket is not required in order to maintain party status as to later proceedings in the same docket.

DOE’s Extension Order is arbitrary and capricious because it is inconsistent with DOE’s denial of Lake Charles LNG Export’s 2022 Extension Application and DOE has failed to provide a rational explanation for that inconsistency. Additionally, the Extension Order arbitrarily and capriciously states that “regulatory delay” is a basis for finding good cause to grant the extension, but fails to explain or provide evidence in support of that conclusion.

### **STATEMENT OF ERRORS**

- I. The Extension Order granting the 2025 Extension Application arbitrarily and capriciously reaches a conclusion that is inconsistent with DOE’s prior orders denying the 2022 Extension Application without providing any rational explanation for that inconsistency based on changed facts or changed policy. *Encino Motorcars v. Navarro*, 579 U.S. 211, 221 (2016); *FCC v. Fox Television Stations*, 556 U.S. 502, 513, 515 (2009); *Motor Vehicle Mfrs. Ass’n of the U.S., Inc. v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 52 (1983); 5 U.S.C. § 706(2)(A). Because the Extension Order is arbitrary and capricious, it is also in violation of Section 3 of the Natural Gas Act, 15 U.S.C. § 717b.
  - A. The Extension Order fails to provide a rational explanation for why DOE found good cause to grant the 2025 Extension Application while using the same case-by-case “good cause” policy it used in denying the 2022 Extension Application, based on substantially similar facts. DOE has not provided any explanation for reaching a different conclusion

now on how the facts regarding the period from 2020 to 2022 demonstrate “good cause” for an extension than it previously reached. DOE also has not rationally explained reaching a contrary conclusion based on substantially similar facts related to the period from 2022 to 2025.

- B. The Extension Order fails to provide a rational explanation for why a changed regulatory landscape provides a basis for reaching a different outcome on the 2025 Extension Application as compared to the 2022 Extension Application. DOE does not explain why Executive Order 14154, which directs agencies to revoke policies that “unduly burden” development of domestic energy resources, is relevant to the project-specific determination of whether good cause exists for an extension. DOE does not explain why the rescission of its prior Policy Statement on extensions, *Policy Statement on Export Commencement Deadline in Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries*, 88 Fed. Reg. 25,272 (Apr. 26, 2023) (“Policy Statement”), is relevant to an extension decision that it made under the case-by-case approach DOE used prior to the adoption of the Policy Statement (including in denying Lake Charles LNG Export’s 2022 Extension Application) and now uses after the Policy Statement’s rescission. DOE also does not explain why its grants of extensions to Golden Pass LNG and Delfin LNG are relevant here when those grants were made to projects that had made much more progress than Lake Charles LNG Export’s project has made and when DOE itself argues that because those grants were made under the now-revoked Policy Statement, they are irrelevant as precedent for determining whether good cause existed here.

C. The Extension Order fails to provide a rational explanation for why changed global LNG market conditions provide a basis for reaching a different outcome on the 2025 Extension Application as compared to the 2022 Extension Application. While market conditions may be relevant to the initial determination of whether exports are not inconsistent with the public interest, DOE has consistently stated that it does not re-examine that question when deciding whether to grant an extension for good cause. DOE has not explained why market conditions would be relevant to the fact-specific extension question, rather than to the public interest determination that was not at issue in this case. Examining global market conditions in this matter would also be inconsistent with DOE's 1984 Policy Guidelines, which state that DOE does not consider market need when making decisions about any individual LNG export project.

II. The Extension Order arbitrarily and capriciously fails to provide a rational explanation for why four cited instances of alleged "regulatory delay" constitute "good cause" to grant the 2025 Extension Application. *State Farm Mut. Auto. Ins.*, 463 U.S. at 52; 5 U.S.C. § 706(2)(A). Because the Extension Order is arbitrary and capricious, it is also in violation of Section 3 of the Natural Gas Act, 15 U.S.C. § 717b. As an initial matter, none of the four cited "delays," which all occurred after June 2022, explains Lake Charles LNG Export's lack of progress prior to submission of its 2022 Extension Application. DOE does not explain why its denial of the 2022 Extension Application, based on a finding that there was no good cause for an extension at that time, demonstrates good cause for an extension now. DOE does not explain why the announcement of DOE's Policy Statement on extensions demonstrates good cause when neither Lake Charles LNG Export nor DOE has asserted that it would have been impossible for Lake Charles LNG Export to receive an extension under the Policy

Statement’s standard if it had applied for one after the denial of the 2022 Extension Application. DOE does not explain why its failure to yet act on a separate, new non-FTA application filed by Lake Charles LNG Export’s affiliate has any bearing on this extension application. Finally, DOE does not explain how the Biden Administration’s 2024 pause on new non-FTA export applications has any bearing on this extension application when Lake Charles LNG Export did not submit a new application, either before the pause when its affiliate did so, or after the pause was enjoined by a federal court.

## **BACKGROUND**

In 2013, Lake Charles LNG Export first applied for a long-term authorization to export LNG from its planned export terminal in Lake Charles, Louisiana. *Lake Charles LNG Export Company, formerly known as Trunkline LNG Export, LLC*, Docket No. 13-04-LNG, Application for Long-Term Authorization to Export Liquefied Natural Gas (Jan. 9, 2013). Later in 2013, DOE granted Lake Charles LNG Export approval to export to free-trade agreement nations. *Trunkline LNG Export, LLC*, FE Docket No. 13-04-LNG, DOE/FE Order No. 3252 (March 7, 2013).

In 2016, DOE granted Lake Charles LNG Export approval to export up to 730 Bcf/year of LNG to non-FTA countries with a commencement deadline of July 29, 2023. Order No. 3868 at 163 (ordering paragraphs A, D). DOE later authorized exports of up to an additional 121 Bcf/year with a deadline of June 29, 2024. *Lake Charles LNG Export Co., LLC*, FE Docket No. 16-109-LNG, DOE/FE Order No. 4010 (June 29, 2017). An affiliated company, Lake Charles Exports, LLC (“LCE”), was also granted overlapping, non-additive authority to export the same volume of gas. *LCE*, FE Docket No. 11-59-LNG, DOE/FE Order No. 3324 (Aug. 7, 2013); *LCE*, FE Docket No. 11-59-LNG, DOE/FE Order No. 3324-A (July 29, 2016).

Both companies applied in 2020 for an extension of the commencement deadline to December 16, 2025. *Lake Charles LNG Export Company, LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, Application for Amendment to Authorizations for Long-Term Authorization to Export Liquefied Natural Gas to Free Trade Agreement and Non-Free Trade Agreement Countries (Mar. 4, 2020) (“First Extension Application”). DOE granted the extension. *Lake Charles LNG Export Co., LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, DOE/FE Order No. 3252-B/3868-A/4010-A (Oct. 6, 2020); *LCE*, Docket Nos. 11-59-LNG & 16-110-LNG, DOE/FE Order No. 2987-A/3324-B/4011-A (Oct. 6, 2020).

In 2022, both companies applied for a second extension of the commencement deadline for their authority to export up to 851 Bcf/year. *Lake Charles LNG Export Company, LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, Application for Amendment to Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Countries (June 21, 2022) (“2022 Extension Application”); *LCE*, Docket Nos. 11-59-LNG & 16-110-LNG, Application for Amendment to Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Countries (June 21, 2022). In 2023, DOE denied the extension applications. Order No. 3868-B/4010-B; *LCE*, Docket Nos. 11-59-LNG & 16-110-LNG, DOE/FECM Order No. 3324-C/4011-B (Apr. 21, 2023).

Among the reasons DOE gave for denying the extension, DOE found that the explanations Lake Charles LNG Export provided were inadequate to justify its delay in commencing exports. Order No. 3868-B/4010-B at 15. DOE noted that the effects of the COVID-19 pandemic that Lake Charles LNG Export cited had “largely subsided” by the time Lake Charles LNG Export asked for its second extension, *id.*, and that other holders of export

authorizations had been able to weather those same events and start exporting within the original seven-year window DOE provided, *id.* at 16–17. The Department also reiterated that:

[B]y providing seven years for authorization holders to commence exports, DOE’s export commencement period already was designed to provide authorization holders with a buffer against challenging circumstances inherent in LNG project development. 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. DOE has an obligation to ensure performance of its statutory responsibilities, including ensuring that non-FTA authorizations are utilized in a timely manner.

*Id.* at 18.

DOE subsequently denied the companies’ requests for rehearing of the denial of the second extension. *LCE*, Docket Nos. 11-59-LNG & 16-110-LNG, DOE/FECM Order No. 3324-D/4011-C (Jun. 21, 2023); *Lake Charles LNG Export Company, LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, DOE/FECM Order No. 3868-C/4010-C (Jun. 21, 2023). In those rehearing orders, DOE explained that it had denied the second extension applications on the basis of DOE’s long-standing approach to extension requests (requiring good cause shown), rather than on the basis of its Policy Statement on extensions of export commencement deadlines (which required a threshold showing that delay in commercialization was due to circumstances beyond the company’s control and that construction had commenced), 88 Fed. Reg. at 25,272, that DOE separately announced the same day it denied the extensions. Order No. 3868-C/4010-C at 4, 23, 41; Order No. 3324-D/4011-C at 4, 22, 39. DOE further explained that it denied the extensions based on concerns about the request for a second extension spanning so many years beyond the initial authorization and the lack of progress toward the commencement of exports. Order No. 3868-C/4010-C at 24–34; Order No. 3324-D/4011-C at 23–33.

LCE then filed a new application for non-FTA export authority, *LCE*, Docket No. 23-87-LNG, Application for Long-Term Authorization to Export Liquefied Natural Gas to Non-Free

Trade Agreement Countries and Request for Expedited Consideration (Aug. 18, 2023), but Lake Charles LNG Export did not. 2025 Extension Application at 16.

On April 2, 2025, DOE formally revoked its Policy Statement on export commencement deadlines, stating that “[g]oing forward, DOE 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.” *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, 14,411 (April 2, 2025).

Lake Charles LNG Export subsequently filed another request for an extension. 2025 Extension Application. Environmental and Community Advocates filed a motion to intervene and protest of the application. *Lake Charles LNG Export Company, LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, Motion to Intervene and Protest of Application for Extension of Commencement Deadline (July 2, 2025). Public Citizen filed a motion to intervene. *Lake Charles LNG Export Company, LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, Motion to Intervene of Public Citizen, Inc. (July 1, 2025). Lake Charles LNG Export filed an answer in opposition to Environmental and Community Advocates’ motion to intervene and protest, as well as Public Citizen’s motion to intervene. *Lake Charles LNG Export Company, LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, Answer of Lake Charles LNG Export Company, LLC in Opposition to Motions to Intervene and Protest (July 7, 2025) (“Answer”). Environmental and Community Advocates then filed a motion for leave to reply and a reply to Lake Charles LNG Export’s answer. *Lake Charles LNG Export Company, LLC*, Docket Nos. 13-04-LNG & 16-109-LNG, Motion for Leave to Reply and Reply (July 10, 2025).



On August 22, 2025, DOE issued the Extension Order that: (1) granted Environmental and Community Advocates’ motion for leave to reply, Extension Order at 25; (2) granted intervention to Environmental and Community Advocates and Public Citizen, Extension Order at 25–27; and (3) granted Lake Charles LNG Export’s requested extension, Extension Order at 27–35.

## ARGUMENT

### **I. DOE’s Grant of the 2025 Extension Application Is Inconsistent with DOE’s Denial of the 2022 Extension Application, and DOE Has Failed to Rationally Explain This Inconsistency.**

DOE’s Extension Order granting the 2025 Extension Application is inconsistent with DOE’s denial of the 2022 Extension Application in Order No. 3868-B/4010-B and Order No. 3868-C/4010-C, and DOE has failed to rationally explain this inconsistency.

DOE has consistently evaluated extension applications under similar factors to determine whether there is “good cause” to grant the extension. The standard is rooted in DOE’s long-standing policy that long-term orders authorizing the export of U.S.-sourced LNG to non-FTA countries should be conditioned with commencement deadlines after which the authorization expires. This practice dates back to DOE’s issuance of the first conditional long-term export authorization to Sabine Pass Liquefaction in 2011.<sup>1</sup> DOE included a commencement deadline “to ensure that other entities that may seek similar authorizations are not frustrated in their efforts to obtain those authorizations by authorization holders that are not engaged in actual export operations.”<sup>2</sup> DOE has explained that imposing and enforcing commencement deadlines provides several benefits:

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<sup>1</sup> See *Sabine Pass Liquefaction, LLC*, Docket No. 10-111-LNG, DOE/FE Order No. 2961, (May 20, 2011). DOE also incorporated this seven-year commencement period in Sabine Pass’s final order. *Sabine Pass Liquefaction, LLC*, Docket No. 10-111-LNG, DOE/FE Order No. 2961-A (Aug. 7, 2012).

<sup>2</sup> Order No. 2961 at 33.

- (i) to better assess whether any new non-FTA applications are in the public interest;
- (ii) to provide more certainty to the U.S. and global LNG export markets; and (iii) to ensure that DOE is making decisions utilizing the latest market information and analytical tools available, and not based on stale analysis.

Order No. 3868-B/4010-B at 19. DOE has also explained that if it “did not enforce these commencement deadlines, an authorization holder might seek extension after extension without ever being ready to proceed with its project. DOE has an obligation to ensure performance of its statutory responsibilities, including ensuring that non-FTA authorizations are utilized in a timely manner.” *Id.* at 18. And DOE has continued to include commencement deadlines—typically for seven years—in the long-term non-FTA orders it has issued since 2011.<sup>3</sup>

Prior to the 2022 Policy Statement, DOE granted extensions of the commencement deadline in six non-FTA orders based on a case-by-case assessment of similar general factors.<sup>4</sup> DOE considered: (1) whether FERC had approved an extension of the construction deadline for the proposed LNG terminal; and (2) project-specific facts alleged by the applicant, such as progress on construction, the additional time being requested, and the unique delays claimed by the applicant.<sup>5</sup>

In 2022, DOE issued the now-rescinded Policy Statement, which did not abandon the “good cause” standard. Instead, DOE determined that “good cause” could not exist in the absence of the applicant making two showings: (1) that the applicant had commenced physical

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<sup>3</sup> See, e.g., *Corpus Christi Liquefaction Stage III, LLC*, Docket No. 18-78-LNG, DOE/FE Order No. 4490, at 49 (Term and Condition B) (Feb. 10, 2020); see also *Vista Pacifico LNG, S.A.P.I. de C.V.*, Docket No. 20-153-LNG, DOE/FECM Order No. 4929, at 73–74 (Term and Condition B) (Dec. 20, 2022).

<sup>4</sup> *Golden Pass LNG Terminal LLC*, Docket Nos. 12-88-LNG & 12-156-LNG, DOE/FE Order No. 3147-B/3978-C, at 3–4 (Mar. 24, 2020) (extending commencement deadline from April 25, 2024, to September 30, 2025); *Lake Charles LNG Export Company, LLC*, Order No. 3252-B/3868-A/4010-A, at 3–4 (extending commencement deadlines in two non-FTA orders from July 29, 2023 or June 29, 2024, respectively, to December 16, 2025); *Lake Charles Exports, LLC*, DOE/FE Order No. 2987-A/3324-B/4011-A, at 3–4, (extending commencement deadlines in two non-FTA orders from July 29, 2023 or June 29, 2024, respectively, to December 16, 2025); *Cameron LNG, LLC*, Docket Nos. 15-36-LNG & 15-90-LNG, DOE/FE Order No. 3680-A/3846-A, at 3 (Nov. 2, 2020) (extending commencement deadline from July 15, 2023, to May 5, 2026).

<sup>5</sup> Order No. 3147-B/3978-C, at 9–10; Order No. 3252-B/3868-A/4010-A, at 6–7; Order No. 2987-A/3324-B/4011-A, at 6–7; Order No. 3680-A/3846-A, at 6.

construction of the terminal; and (2) that the applicant’s failure to meet its initial in-service deadline was due to “extenuating circumstances outside of the authorization holder’s control.” 88 Fed. Reg. at 25,273. These two factors have always been relevant to DOE’s “good cause” determination, but the 2022 Policy Statement changed them from two items on the list of factors DOE considers on a case-by-case basis to required threshold showings. *See id.* In rescinding the Policy Statement, DOE abandoned this stricter approach but made clear that 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.” 90 Fed. Reg. at 14,411.

As DOE acknowledges, the case-by-case approach to determining “good cause” that is now in effect, and that DOE used to grant Lake Charles LNG Export’s 2025 Extension Application, is the same practice DOE employed when it denied the 2022 Extension Application. Extension Order at 29; *see also* Order No. 3868-C/4010-C at 4, 23, 41; *Id.* at 22–23 (“To approve an extension request that has failed to demonstrate good cause would be contrary to the very purpose of the commencement deadline and would perpetuate the very concerns that DOE is attempting to address.”). DOE nevertheless highlights that the denial of the 2022 Extension Application was issued on the same day as the Policy Statement’s release, perhaps suggesting that DOE’s denial may have at least been influenced by the contents of the Policy Statement. Extension Order at 29. However, in addition to clearly stating that DOE was not applying the Policy Statement to Lake Charles LNG Export’s 2022 Extension Application, Order No. 3868-C/4010-C at 4, 23, 41, the orders denying the 2022 Extension Application do not, in fact, apply the Policy Statement’s stricter approach. Had DOE applied the Policy Statement, it would have rejected Lake Charles LNG Export’s application outright for failing to have commenced

construction of the terminal. Instead, DOE weighed that fact along with others, including the timing of Lake Charles LNG Export's request and the fact that other LNG export terminals had made substantially more progress reaching financial viability and building their terminals while facing the same challenges that Lake Charles LNG Export claimed delayed its project. Order No. 3868-B/4010-B at 15–18.

DOE, therefore, used the same policy as it did in denying the 2022 Extension Application, assessed substantially similar facts, and yet arrived at the opposite conclusion to grant Lake Charles LNG Export's 2025 Extension Application. In doing so, DOE did not provide an adequate explanation for its reversal. As explained below, DOE's 180-degree turn is not justified by the facts Lake Charles LNG Export alleged in its 2025 Extension Application, by a changed regulatory landscape, or by changed global LNG market conditions. The facts are largely unchanged since Lake Charles LNG Export's 2022 Extension Application, and DOE fails to explain how its conclusions here can be squared with the factual findings it made in denying that application. The changes in the "regulatory landscape" and the "global LNG market" that have occurred since DOE denied the 2022 Extension Application also do not explain why DOE previously found that there was no good cause for an extension, but now finds that there is. DOE's Extension Order states that it is not reconsidering any issues related to its initial public interest determination for the exports and that "no facts ...are at issue beyond the additional time period for Lake Charles LNG Export to commence export operations." Extension Order at 30. But DOE does not explain how or why the regulatory landscape or global LNG market would be relevant to the fact-specific showing of good cause, rather than to the question of consistency with the public interest, which DOE expressly stated it was not addressing.

Agencies can change their position, but they must “provide a reasoned explanation for the change.” *Encino Motorcars*, 579 U.S. at 221. An agency must “articulate a satisfactory explanation for its action” and must at least “display awareness that it is changing position.” *Fox Television Stations, Inc.*, 556 U.S. at 513, 515. DOE’s failure to provide the required rational explanation here renders its Extension Order arbitrary and capricious. *State Farm Mut. Auto. Ins.*, 463 U.S. at 52 (requiring agency action to be “the product of reasoned decisionmaking”); 5 U.S.C. § 706(2)(A). Because the Extension Order is arbitrary and capricious, it is also in violation of Section 3 of the Natural Gas Act, 15 U.S.C. § 717b.

**A. DOE Has Arbitrarily Reached a Contrary Conclusion Applying the Same Policy to Substantially Similar Facts.**

DOE has failed to provide any rational explanation for why it found good cause to grant the 2025 Extension Application using the same policy it used to deny the 2022 Extension Application based on substantially similar facts. DOE has already granted Lake Charles LNG Export a first extension, based on its evaluation of the events that occurred through early 2020, and has given the company until December 2025 to commence exports. Therefore, the events that occurred prior to 2020 have no bearing on whether Lake Charles LNG Export should be granted yet another extension past the 2025 deadline. As to events from 2020 to 2022, DOE’s Extension Order neither rebuts DOE’s prior findings that the facts alleged by Lake Charles in 2022 failed to establish good cause, nor explains how DOE could reach the opposite conclusion about the same facts, under the same policy. Regarding events from 2022 to 2025, DOE has not provided a rational explanation for why these facts constitute good cause for an extension when they are not significantly different from the facts about events from 2020 to 2022 that it previously determined did not demonstrate good cause.

In its denial of the 2022 Extension Application, DOE concluded that:

Lake Charles LNG Export failed to describe 1) in specificity the steps it had taken towards completing the Liquefaction Project, since the approval of its First Extension Request in October 2022<sup>6</sup> [sic]; 2) what unique delays and challenges it faced, since the approval of its First Extension Request in October 2020; and 3) why FERC's grant of extension to complete construction must be dispositive on DOE's consideration of a request to extend commencement of export.

Order 3868-C/4010-C at 25.

On the first factor, DOE found that Lake Charles LNG Export's execution of long-term offtake contracts in the time since the First Extension Application did not demonstrate good cause for a second extension. *Id.* at 26–27. DOE stated that “[c]ontracts alone do not demonstrate that Energy Transfer has made significant progress towards the physical completion of the Liquefaction Project since 2020, including ‘progress towards reaching [final investment decision (“FID”)].’” Order No. 3868-B/4010-B at 16. Indeed, DOE stated that:

[T]he execution of long-term offtake contracts after passage of so much time highlighted how little progress Lake Charles LNG Export had made. Presently, after more than a decade since seeking authorization to export LNG and almost seven years since DOE initially authorized Lake Charles LNG Export to commence exports to non-FTA countries, Lake Charles LNG Export has executed long-term offtake contracts for only approximately half of its total authorized volume.

Order 3868-C/4010-C at 27. DOE explained that it did not view the mere execution of contracts after the passage of so much time to be significant evidence of sufficient progress towards having a functioning liquefaction terminal capable of export by any reasonable deadline. *See id.* It noted the minimal level of progress made by Lake Charles after so many years, compared to other export facilities that were then operational and had all “reached FID within 6 years of applying for the DOE non-FTA authorization, and commenced exports within 9 years from their original DOE application.” *Id.* To be clear, the issue was not merely that Lake Charles LNG Export had not started construction (a fact that would have been dispositive under the Policy

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<sup>6</sup> DOE approved the First Extension Application in 2020; Order 3868-C/4010-C contains a typo in this sentence and incorrectly lists the year as 2022 instead of 2020.

Statement), but that the company had made so little progress on the other steps that were the precursors to starting construction, such as securing customers and making a final investment decision. As to construction, DOE concluded that Lake Charles had made only minimal progress in constructing the terminal, having only conducted “maintenance clearing” since it received its extension. *Id.* at 28.

In 2025, little has changed, and yet DOE inexplicably reached a different conclusion on whether the progress Lake Charles LNG Export has made towards FID and construction of the terminal is sufficient to support a finding of good cause. Lake Charles LNG Export reports that the project has secured long-term offtake contracts for approximately 70% of its total authorized export volume, Extension Order at 34, representing a modest increase in the three years since the company sought its second extension, much of which fell after the effects of the Covid pandemic had largely subsided. There is no indication in the 2025 Extension Application that FID is imminent.

Nevertheless, DOE now points to Lake Charles’ long-term agreements as a factor weighing in favor of finding good cause and granting the extension. Extension Order at 34. But DOE has not explained why it has changed its position that long-term offtake contracts suddenly *do* demonstrate sufficient progress, especially after the passage of even more time since its orders denying the 2022 Extension Application. Nor does DOE offer any explanation for why the movement from roughly 50 to 70% of contracted-for capacity makes any difference in its analysis, let alone one that would justify a complete reversal in finding good cause. DOE also does not explain why it apparently now views the minimal progress Lake Charles has made towards commencing exports to be sufficient to find good cause for an extension when compared to far greater steps its peer LNG exporters have taken in far less time.

While Lake Charles LNG Export also has alleged more details about its construction activities, the activities themselves do not constitute a remarkable departure from what it reported to DOE in 2022. Lake Charles LNG Export points to the same types of tree clearing and test pile drilling activity that it already cited in its original application for an extension. *See* First Extension Application at 5–7; *see also* Order 3868-C/4010-C at 38. DOE fails to explain why the addition of moving a road and pipeline, plugging a well, and conducting geotechnical investigations, Extension Order at 13, is sufficient to completely alter the conclusion that there is no good cause, especially where the company made clear that it will require an additional five years to build the terminal *after* it reaches FID, 2025 Extension Application at 32. Lake Charles LNG Export may have done more on the site since 2022, but DOE does not explain why the fairly minimal preliminary activities Lake Charles LNG Export has undertaken completely alter the conclusion that the company failed shown meaningful progress towards *completing* the terminal in the twelve years since filing its application with DOE, especially since most other terminals were able to begin operating nine years from that point.

On the second factor, DOE concluded in 2023 that the delays Lake Charles LNG Export claimed it experienced due to the COVID-19 pandemic were not discussed in sufficient specificity and, in any event, did not justify Lake Charles LNG Export’s lack of progress, given that other export projects were able to make substantial progress despite facing indistinguishable challenges. Order No. 3868-B/4010-B at 15–17. DOE found that the COVID-19 pandemic and the state of the LNG global markets “created both challenges *and* opportunities for participants in the U.S. LNG market,” and that Lake Charles LNG Export “has not achieved the level of commercial progress that other authorization holders have reached in a similar time period, which is all the more important when requesting an unprecedented second extension.” Order No.



3868-B/4010-B at 15. In short, DOE found that delays caused by the COVID-19 pandemic were insufficient to demonstrate good cause for an extension to Lake Charles LNG Export's commencement deadline, as other LNG exporters experienced the same realities and made far more progress.

In contrast with its 2022 Extension Application, Lake Charles LNG Export's 2025 Extension Application provided more details on the apparent challenges it encountered, both during and after the COVID-19 pandemic. But neither Lake Charles LNG Export nor DOE has demonstrated that any of those details were consequential. The added specifics do not explain why Lake Charles LNG Export could not make the same progress towards completing its facility that other LNG export companies were able to make under the same market conditions and fail to provide DOE with a basis for reversing its decision on good cause. Lake Charles LNG Export and DOE point to two sets of events that occurred after 2020 that caused delays: (1) the withdrawal of Shell Oil as project sponsor and (2) problems with Lake Charles LNG Export's engineering, procurement, and construction ("EPC") contractors. Extension Order at 10–11. However, the 2025 Extension Application fails to describe any actual delay that occurred because of Shell Oil's decision. It states only that "Shell Oil withdrew as Project sponsor on April 1, 2020, and Energy Transfer assumed 100% of the Project." 2025 Extension Application at 14. Regarding its EPC contractors, Lake Charles LNG Export's more detailed recitation of events does not address many basic questions about the extent of the delays it has faced or why those delays were unavoidable for Lake Charles LNG Export but did not hinder other LNG export developers. For example, Lake Charles LNG Export does not explain why it waited until the spring of 2020—almost four years after it received its initial export authorization—to take the first steps towards soliciting EPC bids, a delay which is not explained by the COVID-19

pandemic or anything else Lake Charles LNG Export points to. The 2025 Extension Application also does not explain why it took the EPC contractors almost an entire year to update their bids, why it took Lake Charles LNG Export and its contractors more than a year to negotiate the EPC contract, or why it does not appear that the company has made much progress since executing the EPC contract more than a year ago. As DOE concluded in denying the 2022 Extension Application, the generalized market forces that Lake Charles LNG Export pointed to did not cause similarly long delays for its fellow LNG export developers. *See* Order No. 3868-B/4010-B at 15–17. Nowhere does Lake Charles LNG Export establish that it could not have avoided the delays it encountered—or at least attempted to reduce them—by, for instance, seeking EPC bids long before 2020 or engaging other EPC contractors when it encountered such extensive delays. The additional details the company has added since DOE denied its 2022 Extension Application do not provide a basis for DOE to now reverse its conclusion on good cause.<sup>7</sup> The Extension Order does not explain why these additional details provide any basis for finding that Lake Charles LNG Export suffered some unique effect from the COVID-19 pandemic that would support a finding of good cause. Nor do these additional facts change the reality that Lake Charles LNG Export has failed to make the same progress that its peer LNG developers have been able to achieve far more quickly.

DOE, therefore, lacks any factual basis to justify its about-face that there was no good cause to grant an extension in 2022, but there is now. To the extent that DOE’s about-face on Lake Charles LNG Export’s 2025 Extension Application is being driven by a belief (which the Department nowhere explicitly articulates or justifies) that the demand for U.S. LNG is now so

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<sup>7</sup> It also is inexplicable why Lake Charles LNG Export did not provide these details to DOE more quickly, particularly upon rehearing when DOE’s Order denying the 2022 Extension Application made clear that part of the problem was the lack of detail in Lake Charles LNG Export’s application.

great that an unlimited amount of LNG exports is consistent with the public interest, this does not provide a basis for DOE to abandon its longstanding policy that good cause is required for an extension, especially since DOE still identifies good cause as the standard for deciding whether to grant an extension. As DOE has explicitly stated, DOE does not re-evaluate consistency with the public interest in deciding whether to grant an extension. *See* Extension Order at 30. DOE also continues to maintain that commencement deadlines are necessary conditions to its LNG export orders, imposing deadlines as conditions in its most recent conditional and final export approval orders and stating that “[t]he purpose of this condition is to ensure that other entities that may seek similar authorizations are not frustrated in their efforts to obtain those authorizations by authorization holders that are not engaged in actual export operations.”<sup>8</sup> DOE has not asserted that those purposes are not served by enforcing the commencement deadline for Lake Charles LNG Export’s project, let alone provided any explanation why they would not be relevant here. And while DOE has rescinded the Policy Statement, DOE has not determined that good cause is no longer the standard for extending commencement deadlines provided in DOE’s orders. On the contrary, the Department maintains that it will be evaluating extension requests consistent with its prior precedent. 90 Fed. Reg. at 14,411. DOE cannot depart from the case-by-case policy “sub silentio” in an individual order without seeming to even “display awareness that it is changing position.” *Fox Television Stations*, 556 U.S. at 513, 515. Moreover, DOE failing to actually evaluate applications individually would be an abdication of the responsibilities which Congress entrusted to DOE in Section 3 of the Natural Gas Act, 15 U.S.C. § 717b.

Given that Lake Charles LNG Export and DOE have failed to point to any changes in the facts that would support DOE upending its prior conclusion that there is no good cause to grant a

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<sup>8</sup> *Venture Global CP2 LNG, LLC*, Docket No. 21-131-LNG, DOE/FECM Order No. 5264, at 55 (Mar. 19, 2025); *Commonwealth LNG, LLC*, Docket No. 19-134-LNG, DOE/FECM Order No. 5238-A, at 56 (Aug. 29, 2025).

second extension to Lake Charles LNG Export’s commencement deadline, DOE’s reversal of position here is unsupported. Where an agency contradicts an earlier discussion or earlier findings, it must explain its approach. *See U.S. Sugar Corp. v. EPA*, 830 F.3d 579, 650–51 (D.C. Cir. 2016). Because DOE has failed to provide the requisite rational explanation here, DOE’s Extension Order is arbitrary and capricious. 5 U.S.C. § 706(2)(A).

**B. DOE Does Not Explain Why a Changed Regulatory Landscape Requires a Different Outcome Here.**

DOE’s repeated invocations of a changed “regulatory landscape,” Extension Order at 29, 30—by which DOE seems to mean Executive Order 14154, the rescission of the Policy Statement in April 2025, and DOE’s recent approval of the Golden Pass LNG and Delfin LNG commencement extension requests, Extension Order at 28–29—do not rationally explain the Extension Order’s inconsistency with the denial of the 2022 Extension Application in Order No. 3868-B/4010-B and Order No. 3868-C/4010-C.

DOE does not explain why the Executive Order is relevant. DOE notes that the Executive Order “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.” Extension Order at 28 n. 158 (quoting Unleashing American Energy, Exec. Order No. 14,154 of Jan. 20, 2025, 90 Fed. Reg. 8,353, 8,354 (Jan. 29, 2025)); *id.* at 5. DOE explains in the Extension Order that DOE revoked the Policy Statement because it was inconsistent with the policy set forth in the Executive Order. Extension Order at 5–6 (citing 90 Fed. Reg. at 14,411). DOE does not claim that the Executive Order compels a particular outcome in response to any particular extension application. While the Administration’s current policy on gas exports may potentially be relevant to determining whether exports are consistent with the public interest in the first instance, DOE clearly stated that it was not revisiting that determination here, but only

examining whether Lake Charles LNG Export had demonstrated “good cause” for failing to meet its commencement deadline. Extension Order at 30. DOE also does not provide any other explanation of the Executive Order’s relevance to this proceeding. Therefore, DOE’s invocation of the Executive Order, which DOE operationalized by rescinding the Policy Statement, adds nothing to DOE’s invocation of that rescission.

The rescission of the Policy Statement does not change the fact that granting the 2025 Extension Application is inconsistent with DOE’s denial of the 2022 Extension Application because both decisions were made under the case-by-case analysis that DOE used before, and is now using after, the period during which the Policy Statement was in place.

DOE also never explains why it believes its grant of extensions to Golden Pass LNG and Delfin LNG is relevant here. DOE admits that those projects had made greater progress toward completion than Lake Charles LNG Export has made and therefore had stronger factual bases for finding good cause and issuing an extension. Extension Order at 34–35. The fact that DOE issued extensions for those projects does not support an extension on the admittedly weaker facts here. DOE’s statement that it finds comparisons to those projects unhelpful in determining whether there is good cause for extension here because those projects were granted extensions under the now-revoked Policy Statment that required commencement of construction as a prerequisite for an extension, Extension Order at 34–35, is also in direct tension with DOE’s statement that these two orders represent a “sea change in energy policy,” Extension Order at 28. DOE cannot have it both ways; either the two orders are irrelevant because they were issued under a stricter standard as DOE states, or they are relevant and demonstrate that other projects have made greater progress before asking for extensions, as Environmental and Community

Advocates argued. DOE has also not identified any other basis on which those two extension orders are relevant.

**C. DOE Does Not Explain Why Changed Global Market Conditions Require a Different Outcome Here.**

Similarly, DOE's assertions about "global market conditions" do not support granting the 2025 Extension Application. Market conditions are irrelevant to the question of whether Lake Charles LNG Export has demonstrated good cause for failing to meet the deadline, which DOE claims is the only question before it. Moreover, even if DOE were to reopen broader questions about whether the exports would be inconsistent with the public interest (which DOE insists it is not doing), DOE's policy is to not inquire into whether there is market demand for individual projects as part of that analysis either. DOE has not offered any explanation as to why market conditions are relevant to any question before the Department.

DOE's reliance on "global market conditions" as a reason it should reach a different conclusion on the 2025 Extension Application is inconsistent with its statements in the Extension Order that it is not reconsidering the public interest determination for Lake Charles LNG Export's non-FTA exports, but is only looking at whether there is good cause for extension. DOE states that "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." Extension Order at 30. In rejecting arguments made by intervenor Public Citizen, DOE points out that it had previously "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)," and therefore these issues were not at play in

the 2025 Extension Application. Extension Order at 31. Global market conditions could be relevant to deciding whether a new non-FTA export application is not inconsistent with the public interest in the first instance; however, if the sole inquiry on an extension application is whether there is “good cause” for an extension based on consideration of whether the applicant “has made good faith efforts to meet its existing export commencement deadline but encountered circumstances that prevented it from doing so,” Extension Order at 35, global market conditions would not be relevant. Indeed, if global market conditions *are* relevant, Lake Charles LNG Export’s failure to bring its project to FID despite a surging LNG industry, including other companies that were able to complete their projects during the same timeframe while facing the same conditions, should weigh against an extension.

DOE’s reliance on “global market conditions” as a reason it should reach a different conclusion on the 2025 Extension Application is also inconsistent with its 1984 Policy Guidelines, which state that DOE lets the market decide which projects do or do not get built. *Alaska LNG Project LLC*, Docket No. 14-96-LNG, DOE/FECM Order No. 3643-D, at 50 (June 14, 2023) (“[A] ‘market need’ inquiry is not required by the NGA or DOE’s regulations..., is not compelled by DOE’s NGA section 3(a) precedent, and is at odds with principles established in DOE’s 1984 Policy Guidelines that DOE continues to apply.”) (citing DOE, *New Policy Guidelines and Delegation Orders from Secretary of Energy to Economic Regulatory Administration and Federal Energy Regulatory Commission Relating to the Regulation of Imported Natural Gas*, 49 Fed. Reg. 6,684 (Feb. 22, 1984)). If DOE were, consistent with its 1984 Policy Guidelines, allowing the market to decide which approved projects get built, then it should recognize that at this point—9 years after non-FTA exports were first approved and 12 years after FTA exports from the Lake Charles LNG project were approved —perhaps the

market has already decided against the project. By relying on global market conditions, DOE is, contrary to its 1984 Policy Guidelines, getting into the business of picking winning and losing projects by determining which projects get extensions despite failing to meet their (already-extended) commencement deadlines.

## **II. DOE Has Failed to Rationally Explain How the Supposed “Regulatory Delay” Demonstrates “Good Cause” to Grant an Extension.**

As explained below, DOE has failed to rationally explain how the four examples of supposed “regulatory delay” discussed in the Extension Order demonstrate “good cause” for an extension, rendering its Extension Order arbitrary and capricious. *State Farm Mut. Auto. Ins.*, 463 U.S. at 52; 5 U.S.C. § 706(2)(A). Because the Extension Order is arbitrary and capricious, it is also in violation of Section 3 of the Natural Gas Act, 15 U.S.C. § 717b. Additionally, all of these “delays” occurred after Lake Charles LNG Export submitted its 2022 Extension Application on June 21, 2022, and therefore do not explain Lake Charles LNG Export’s lack of progress until that point. DOE already found Lake Charles LNG Export’s explanations for its lack of progress as of June 2022 did not constitute good cause. Order No. 3868-B/4010-B at 15–18; Order No. 3868-C/4010-C at 24–34. Whatever events may have occurred in the intervening years, nothing can change the facts about what occurred prior to June 2022, and DOE has provided no explanation for why it should now reach a different finding based on those same facts.

DOE does not explain why its “denial of [the] 2022 Extension Application after that Application had been pending for 10 months,” Extension Order at 33, constitutes good cause for an extension. To the extent that the “delay” DOE refers to is the ten months the application was pending, that ten-month period does not explain any of Lake Charles LNG Export’s failures to move forward with the project either before June 2022 or after April 2023. To the extent DOE is



referring to the *denial* itself, as DOE pointed out in denying the 2022 Extension Application, “[a] statement of fact that an active authorization is necessary to reach FID does not explain why, in the past six years, Lake Charles LNG Export could not reach FID.” Order 3868-C/4010-C at 30. At that time, DOE stated that “this universally applicable challenge facing authorization holders was an insufficient reason to grant an extension.” *Id.* For DOE to reach an unexplained contrary conclusion here would be arbitrary and capricious. *Encino Motorcars*, 579 U.S. at 221; *Fox Television Stations*, 556 U.S. at 513, 515.

DOE also fails to rationally explain why its announcement of the Policy Statement in April 2023, Extension Order at 33, constitutes good cause for granting an extension now. Neither Lake Charles LNG Export nor DOE claims that it would have been impossible for Lake Charles LNG Export to have “physically commenced construction” by 9 months prior to the December 2025 expiration date as required by the Policy Statement. To the contrary, Lake Charles LNG Export emphasizes that it has spent hundreds of millions of dollars toward the project already, Answer at 15, and that “ground disturbance construction at the Project site, including tree clearing of 150 acres, drilling of test piles for the foundation, constructing and maintaining erosion control devices, conducting geotechnical investigations, relocating an existing road and an existing pipeline, and plugging of an oil and gas well on site.” Answer at 16. Lake Charles LNG Export does not explain why it could not have taken the additional steps to physically commence construction of the terminal.

DOE does not explain why any delay related to a new non-FTA application submitted in August 2023 by Lake Charles LNG Export’s affiliate, LCE, Extension Order at 33, should be considered relevant here. Lake Charles LNG Export admits that, while LCE filed a new application with DOE when its second extension request was denied, “Lake Charles LNG Export

elected at that time not to make a further filing at DOE.” 2025 Extension Application at 16. Lake Charles LNG Export chose to pursue a different strategy than its affiliate company did; the fact that the affiliate’s strategy has not (yet) resulted in export approval should have no bearing on whether Lake Charles LNG Export’s strategy must succeed. Additionally, a new non-FTA application remaining pending for two years is not unusual, so it is unclear whether there is truly any “delay” related to the application. For example, Lake Charles LNG Export’s initial application for non-FTA exports was submitted in 2013 and was not granted until 2016. Order 3868 at 1–2. *See also, e.g., Venture Global Calcasieu Pass, LLC*, Docket Nos. 13-69-LNG, 14-88-LNG, & 15-25-LNG, DOE/FE Order No. 4346, at 1 (Mar. 5, 2019) (2019 order granting consolidated applications filed in 2013, 2014, and 2015).

Finally, DOE has not explained why the Biden Administration’s January 2024 announcement of a pause in its evaluation of pending non-FTA applications, Extension Order at 33, is relevant here. Again, this supposed “delay” relates only to LCE’s pending non-FTA application. Lake Charles LNG Export chose not to submit a new non-FTA application after DOE’s April 2023 denial of the 2022 Extension Application and simultaneous announcement of the new Policy Statement. 2025 Extension Application at 16. Lake Charles LNG Export has not indicated that it would have submitted a new non-FTA application but for the pause, and, in any event, the pause started nine months after the 2022 Extension Application was denied, so there was a long window in which Lake Charles LNG Export could have gone that route, but chose not to. DOE is also incorrect that the pause “effectively lasted until the new Administration took office.” Extension Order at 33. A federal court issued a preliminary injunction against the pause in July 2024, *Louisiana v. Biden*, No. 2:24-CV-00406, 2024 WL 3253103 (W.D. La. July 1, 2024), *appeal dismissed*, No. 24-30489, 2025 WL 2255023 (5th Cir. Mar. 12, 2025).

Approximately two months later, DOE granted a pending application for re-export to non-FTA countries. *NFE Altamira FLNG, S. de R.L. de C.V.*, Docket No. 22-110-LNG, DOE/FECM Order No. 5156, (Aug. 31, 2024). Further, DOE in this Administration has to date issued only one conditional and one final export approval (to a project to which DOE in this Administration had previously granted a conditional order) on pending non-FTA applications for large LNG export terminals,<sup>9</sup> demonstrating that a quick timeline cannot be expected even in the absence of a pause.

DOE's seeming implication that these regulatory "delays" are akin to litigation delays that have been held to constitute "good cause" for extensions, Extension Order at 34 & n.184 (citing *Appalachian Voices v. Fed. Energy Reg. Comm'n*, 139 F.4th 903 (D.C. Cir. 2025)), is incorrect, because none of the regulatory delays DOE identifies impacted this project. In contrast, where litigation delays have supported FERC findings of good cause to extend deadlines for other projects, FERC explained how the litigation impacted the project at issue. For example, FERC cited such litigation in issuing an extension of the Southgate pipeline's construction completion deadline in *Appalachian Voices*, 139 F.4th at 913. In that case, the D.C. Circuit stated that it would uphold FERC's decision to grant an extension if it was "reasonable and reasonably explained," *Id.* (quoting *FCC v. Prometheus Radio Project*, 592 U.S. 414, 423 (2021)), then found that it was. When FERC initially granted a certificate for the Southgate pipeline, which was an extension of another pipeline known as the MVP Mainline that was heavily litigated, FERC conditioned the start of Southgate construction on the Mainline having

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<sup>9</sup> As of September 19, 2025, the decisions DOE has issued granting non-FTA applications for LNG export terminals include only: *Venture Global CP2 LNG, LLC*, Docket No. 21-131-LNG, DOE/FECM Order No. 5264, (Mar. 19, 2025) (conditional grant); *Commonwealth LNG, LLC*, Docket No. 19-134-LNG, DOE/FECM Order No. 5238 (Feb. 14, 2025) (conditional grant); *Commonwealth LNG, LLC*, Docket No. 19-134-LNG, DOE/FECM Order No. 5238-A (Aug. 29, 2025) (final grant). See also *Listing of DOE Authorizations/Orders/Notices Issues in 2025*, DOE, <https://www.energy.gov/fecm/articles/listing-doe-authorizationsordersnotices-issued-2025> (last accessed September 19, 2025).

all of its permits in place and Mainline construction resuming. *Id.* at 908–09. Due to litigation, including a court decision vacating Forest Service and Bureau of Land Management authorizations, the company did not receive approval to re-start Mainline construction until shortly after the Southgate completion deadline had passed. *Id.* at 909. The court rejected petitioners’ argument that the company had, in fact, abandoned the Southgate project and was instead—by applying for an amendment to alter the project to a shorter and wider pipeline after receiving its certificate extension—pursuing an essentially different project, meaning that any delay was of the company’s own making. *Id.* at 914. The court also found that FERC had reasonably relied on litigation-related delays as demonstration of good cause for an extension. *Id.* at 913–14. Here, there is no similar set of multiple regulatory conditions precedent that must fall into place in sequence before construction of the Lake Charles LNG project can commence. Lake Charles LNG Export’s authorization from FERC to construct the terminal has never lapsed, nor has its authority to export LNG to both free trade and non-FTA countries, and this project is not dependent on another, separately-permitted project.

## **CONCLUSION**

For the reasons explained above, For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah 6:8 Mission, Sierra Club, the Vessel Project of Louisiana, and Public Citizen respectfully request that DOE grant rehearing of DOE’s August 22, 2025 Extension Order.

Dated: September 19, 2025

Respectfully submitted,

/s/ Ann Jaworski

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*On behalf of Public Citizen*

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

<b>In the matter of</b>	)	
	)	
<b>Lake Charles LNG Export Company, LLC</b>	)	<b>Docket Nos. 16-109-LNG</b>
	)	<b>13-04-LNG</b>
	)	

**FOR A BETTER BAYOU, HABITAT RECOVERY PROJECT, HEALTHY GULF,  
LOUISIANA BUCKET BRIGADE, MICAH 6:8 MISSION, AND THE VESSEL  
PROJECT OF LOUISIANA CERTIFIED STATEMENT OF AUTHORIZED  
REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, Ann Jaworski, hereby certify that I am a duly authorized representative of For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah 6:8 Mission, and the Vessel Project of Louisiana, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of For a Better Bayou, Habitat Recovery Project, Healthy Gulf, Louisiana Bucket Brigade, Micah 6:8 Mission, and the Vessel Project of Louisiana, the foregoing documents in the above captioned proceeding.

Executed in Chicago, IL on September 19, 2025

/s/ Ann Jaworski  
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**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT**

<b>In the matter of</b>	)	
	)	
<b>Lake Charles LNG Export Company, LLC</b>	)	<b>Docket Nos. 16-109-LNG</b>
	)	<b>13-04-LNG</b>
	)	

**SIERRA CLUB CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, Rebecca McCreary, hereby certify that I am a duly authorized representative of Sierra Club, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Sierra Club the foregoing documents in the above captioned proceeding.

Executed in Boulder, CO on September 18, 2025

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

<b>In the matter of</b>	)	
	)	
<b>Lake Charles LNG Export Company, LLC</b>	)	<b>Docket Nos. 16-109-LNG</b>
	)	<b>13-04-LNG</b>
	)	

**PUBLIC CITIZEN CERTIFIED STATEMENT OF AUTHORIZED REPRESENTATIVE**

Pursuant to 10 C.F.R. § 590.103(b), I, Tyson Slocum, hereby certify that I am a duly authorized representative of Public Citizen, and that I am authorized to sign and file with the Department of Energy, Office of Fossil Energy and Carbon Management, on behalf of Public Citizen the foregoing documents in the above captioned proceeding.

Executed in Washington, D.C. on September 17, 2025

/s/ Tyson Slocum  
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**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT**

<b>In the matter of</b>	)	
	)	
<b>Lake Charles LNG Export Company, LLC</b>	)	<b>Docket Nos. 16-109-LNG</b>
	)	<b>13-04-LNG</b>
	)	

**FOR A BETTER BAYOU, HABITAT RECOVERY PROJECT, HEALTHY GULF,  
LOUISIANA BUCKET BRIGADE, MICAH 6:8 MISSION, AND THE VESSEL  
PROJECT OF LOUISIANA VERIFICATION**

Pursuant to 10 C.F.R. § 590.103(b) and 28 U.S.C § 1746, I, Ann Jaworski, hereby verify under penalty of perjury that I am authorized to execute this verification, that I have read the foregoing document, and that the facts stated therein are true and correct to the best of my knowledge.

Executed in Chicago, IL on September 19, 2025

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

<b>In the matter of</b>	)	
	)	
<b>Lake Charles LNG Export Company, LLC</b>	)	<b>Docket Nos. 16-109-LNG</b>
	)	<b>13-04-LNG</b>
	)	

**SIERRA CLUB VERIFICATION**

Pursuant to 10 C.F.R. § 590.103(b) and 28 U.S.C § 1746, I, Rebecca McCreary, hereby verify under penalty of perjury that I am authorized to execute this verification, that I have read the foregoing document, and that the facts stated therein are true and correct to the best of my knowledge.

Executed in Boulder, CO on September 18, 2025.

/s/ Rebecca McCreary  
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**UNITED STATES OF AMERICA  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY AND CARBON MANAGEMENT**

<b>In the matter of</b>	)	
	)	
<b>Lake Charles LNG Export Company, LLC</b>	)	<b>Docket Nos. 16-109-LNG</b>
	)	<b>13-04-LNG</b>
	)	

**PUBLIC CITIZEN VERIFICATION**

Pursuant to 10 C.F.R. § 590.103(b) and 28 U.S.C § 1746, I, Tyson Slocum, hereby verify under penalty of perjury that I am authorized to execute this verification, that I have read the foregoing document, and that the facts stated therein are true and correct to the best of my knowledge.

Executed in Washington, D.C. on September 17, 2025.

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

<b>In the matter of</b>	)	
	)	
<b>Lake Charles LNG Export Company, LLC</b>	)	<b>Docket Nos. 16-109-LNG</b>
	)	<b>13-04-LNG</b>
	)	

**CERTIFICATE OF SERVICE**

Pursuant to 10 C.F.R. § 590.107, I, Ann Jaworski, hereby certify that on September 19, 2025, I caused the foregoing document to be served on the persons included on the official service list for this docket.

Executed in Chicago, IL on September 19, 2025

/s/ Ann Jaworski  
Ann Jaworski  
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