

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

<div>VENTURE GLOBAL CALCASIEU PASS, LLC</div>)	DOCKET NO. 15-25-LNG
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ORDER DENYING REQUEST FOR REHEARING OF
ORDER AMENDING LONG-TERM AUTHORIZATION
TO EXPORT LIQUEFIED NATURAL GAS
TO NON-FREE TRADE AGREEMENT NATIONS

DOE/FECM ORDER NO. 4346-C

OCTOBER 3, 2025

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I. INTRODUCTION

On August 4, 2025, the Department of Energy’s (DOE) Office of Fossil Energy and Carbon Management (FECM) issued DOE/FECM Order No. 4346-B¹ (Order or Order No. 4346-B) to Venture Global Calcasieu Pass, LLC (Calcasieu Pass) under section 3(a) of the Natural Gas Act (NGA).²

In the Order, DOE granted the portion of Calcasieu Pass’s application (Amendment Application)³ requesting an amendment of its existing long-term order, DOE/FECM Order No. 4346 (as amended),⁴ which authorized Calcasieu Pass to export domestically produced liquefied natural gas (LNG) from the Calcasieu Pass LNG Project (the Project), located in Cameron Parish, Louisiana, to any country with which the United States does not have 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).⁵ Specifically, DOE granted Calcasieu Pass’s request to amend its approved non-FTA export volume under Order No. 4346 from the equivalent of 620 billion cubic feet (Bcf) per year (Bcf/yr) of natural gas to the equivalent of 640.666 Bcf/yr of natural gas—an increase of 20.666 Bcf/yr.⁶

¹ *Venture Global Calcasieu Pass, LLC*, DOE/FE Order No. 4346, Docket Nos. 13-69-LNG, 14-88-LNG, and 15-25-LNG (Consolidated), Opinion and Order Granting Long-Term Authorization to Export Liquefied Natural Gas to Non-Free Trade Agreement Nations (Mar. 5, 2019), *amended by* DOE/FE Order No. 4346-A (Oct. 21, 2020) (extending export term), *further amended by* DOE/FECM Order No. 4346-B (Aug. 4, 2025) (increasing export volume). The order at issue in this rehearing proceeding, Order No. 4346-B, is available at: <https://www.energy.gov/sites/default/files/2025-08/VG%20Calcasieu%20Pass%2015-25-LNG%20nFTA%20Design%20Increase%20-%20FINAL%2008-04-25.pdf>.

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

³ Venture Global Calcasieu Pass, LLC, Application for Limited Amendment to Existing Long-Term, Multi-Contract Authorizations to Export LNG to Free Trade and Non-Free Trade Agreement Nations, Docket Nos. 13-69-LNG, 14-88-LNG, and 15-25-LNG (Dec. 3, 2021) [hereinafter Amendment App.]. Calcasieu Pass was formerly known as “Venture Global LNG, LLC” in the related Docket Nos. 13-69-LNG and 14-88-LNG, but it completed a corporate reorganization and changed its name to Venture Global Calcasieu Pass, LLC in 2014.

⁴ See *supra* note 1.

⁵ See *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at 4-5.

⁶ See, e.g., *id.* at 5-6, 9, 45-46 (Ordering Para. A).

Public Citizen, Inc. (Public Citizen) had timely submitted a “Notice of Intervention”⁷ in response to the Amendment Application (which, as noted in the Order, DOE construed as a motion to intervene).⁸ In Order No. 4346-B, DOE stated that, “[b]ecause Public Citizen’s motion does not express opposition to the Amendment Application, the Application is uncontested.”⁹ DOE further determined that, because “Calcasieu Pass did not oppose Public Citizen’s motion to intervene . . . the motion is deemed granted.”¹⁰ Therefore, Public Citizen is an intervenor in Order No. 4346-B.¹¹

On September 3, 2025, Public Citizen timely filed a “Rehearing Request” of Order No. 4346-B.¹² Public Citizen’s principal argument is that Order No. 4346-B is “fatally flawed” because “it fails to incorporate necessary restrictions on LNG exports as implied by the National Energy Emergency declaration of President Donald J. Trump on January 20, 2025,”¹³ *i.e.*, Executive Order (E.O.) 14156, *Declaring a National Energy Emergency*.¹⁴ Upon review of Public Citizen’s arguments and for the reasons set forth below, DOE denies the Rehearing Request.

⁷ Public Citizen, Inc., Notice of Intervention, Docket Nos. 13-69-LNG, *et al.* (Mar. 11, 2022), https://www.energy.gov/sites/default/files/2022-03/Notice%20of%20Intervention%20Docket%20Nos.%2021-131-LNG%2C%2013-69-LNG%2C%2014-88-LNG%20%26%2015-25-LNG_1.pdf [hereinafter Public Citizen Mot.].

⁸ See *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at 7 n.21 (citing 10 C.F.R.

§§ 590.102(q), 590.303(a)-(b)).

⁹ *Id.* at 7 n.22 (citing 10 C.F.R. § 590.102(b)). DOE did not receive any other protests, motions to intervene, notices of intervention, or comments on the Amendment Application. See *id.* at 6-7.

¹⁰ *Id.* at 30 (citing 10 C.F.R. § 590.303(g)).

¹¹ *Id.* at 49 (Ordering Para. L).

¹² Public Citizen, Inc., Rehearing Request, Docket No. 15-25-LNG (Sept. 3, 2025), <https://www.energy.gov/sites/default/files/2025-09/VGCalcasieuRehearing.pdf> [hereinafter Rehearing Request].

¹³ *Id.* at 1.

¹⁴ Exec. Order No. 14156 of January 20, 2025, *Declaring a National Energy Emergency*, 90 Fed. Reg. 8433 (Jan. 29, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-02003.pdf> [hereinafter E.O. 14156]. Although Public Citizen refers to E.O. 14156 as “the National Energy Emergency declaration,” we generally use the E.O. title herein.

II. RELEVANT LEGAL AUTHORITIES

A. DOE's Rehearing Procedures

Under NGA section 19(a), “[a]ny person . . . aggrieved by an order issued by [DOE] in a proceeding to which such person . . . is a party may apply for a rehearing.”¹⁵ The aggrieved party must seek rehearing within 30 days “after the issuance of such order.”¹⁶ The request for rehearing must “set forth specifically the ground or grounds upon which such application is based.”¹⁷ When acting upon such a request, DOE has the “power to grant or deny rehearing or to abrogate or modify its order without further hearing.”¹⁸

B. NGA Section 3(a) and Executive Orders at Issue

1. NGA Section 3(a)

For export authorizations to non-FTA countries, NGA section 3(a) states that DOE “shall issue such order upon application, unless, after opportunity for hearing, it finds that the proposed exportation . . . will not be consistent with the public interest.”¹⁹ Accordingly, DOE conducts an individual adjudication of each non-FTA application and will grant the application unless DOE finds that the proposed exportation will not be consistent with the public interest.²⁰ The U.S. Court of Appeals for the District of Columbia Circuit (D.C. Circuit) has construed this provision “as containing a general presumption favoring [export] authorization,” such that “there must be an affirmative showing of inconsistency with the public interest to deny the application.”²¹

¹⁵ 15 U.S.C. § 717r(a); *see also* 10 C.F.R. § 590.501(a).

¹⁶ 15 U.S.C. § 717r(a).

¹⁷ *Id.*; *see also* 10 C.F.R. § 590.501(b).

¹⁸ 15 U.S.C. § 717r(a); *see also* 10 C.F.R. § 590.503. DOE must act upon a request for rehearing within 30 days after it is filed, or the request “may be deemed to have been denied,” such that the denial constitutes final agency action for the purpose of judicial review. 15 U.S.C. § 717r(a); *see also* 10 C.F.R. § 590.504; *Allegheny Def. Project v. Fed. Energy Regul. Comm’n*, 964 F.3d 1 (D.C. Cir. 2020) (decision on petition for rehearing en banc).

¹⁹ 15 U.S.C. § 717b(a).

²⁰ *See, e.g., Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at 22.

²¹ *Sierra Club v. U.S. Dep’t of Energy*, 867 F.3d 189, 203 (D.C. Cir. 2017) [hereinafter *Sierra Club I*] (internal quotations and citations omitted); *see also Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at 10-12 & § IV (Public Interest Standard).

2. Executive Order 14154 of January 20, 2025, *Unleashing American Energy*

In issuing E.O. 14154, the President observed that “America is blessed with an abundance of energy and natural resources.”²² Yet, in recent years, “burdensome and ideologically motivated regulations” have “impeded the development of these resources, limited the generation of reliable and affordable electricity, reduced job creation, and inflicted high energy costs.”²³ Thus, E.O. 14154 seeks “to unleash America’s affordable and reliable energy and natural resources” through a variety of stated policies and actions for federal agencies (and/or agency heads) to implement.²⁴

As relevant here, E.O. 14154 directs the Secretary of Energy to take two actions involving the export of LNG:

- (i) To “restart reviews of applications for approvals of [LNG] export projects as expeditiously as possible, consistent with applicable law”;²⁵ and
- (ii) “In assessing the ‘Public Interest’ [under NGA section 3(a)] to be advanced by any particular application,” to “consider the economic and employment impacts to the United States and the impact to the security of allies and partners that would result from granting the application.”²⁶

3. Executive Order 14156 of January 20, 2025, *Declaring a National Energy Emergency*

Citing the National Emergencies Act,²⁷ the President declared a “national emergency” in E.O. 14156 to address “a precariously inadequate and intermittent energy supply, and an

²² Exec. Order No. 14154 of January 20, 2025, *Unleashing American Energy*, 90 Fed. Reg. 8353 (Sec. 1) (Jan. 29, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-01-29/pdf/2025-01956.pdf> [hereinafter E.O. 14154].

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at 8357 (Sec. 8(a)). Because DOE has jurisdiction to regulate exports of LNG under NGA section 3(a) (not approvals of export projects, which are under the jurisdiction of the Federal Energy Regulatory Commission), DOE interprets E.O. 14154 as directing DOE to review non-FTA export applications “as expeditiously as possible.”

²⁶ *Id.*

²⁷ 50 U.S.C. § 1601 *et seq.*

increasingly unreliable [electrical] grid,” as well as associated “high energy prices.”²⁸

In relevant part, E.O. 14156 directs federal agency heads to use “any lawful emergency authorities” to “facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources.”²⁹ E.O. 14156 also highlights the potential of the United States to “sell” energy resources to “international allies and partners”—finding that such sales will “improve the United States’ trade balance, help our country compete with hostile foreign powers, strengthen relations with allies and partners, and support international peace and security.”³⁰

E.O. 14156 expressly directs the Secretary of Energy to: (i) consult with the Administrator of the U.S. Environmental Protection Agency on emergency fuel waivers to help meet any projected temporary shortfalls in gasoline supply,³¹ and (ii) collaborate with the Secretary of Defense in assessing the Department of Defense’s ability to acquire and transport the energy, electricity, or fuels needed to protect the homeland and to conduct operations abroad.³²

Finally, E.O. 14156 makes clear that “[n]othing” in this Executive Order “shall be construed to impair or otherwise affect the authority granted by law to an executive department or agency,” and that the Executive Order “shall be implemented in a manner consistent with applicable law.”³³

²⁸ E.O. 14156, 90 Fed. Reg. at 8433 (Sec. 1) (also finding that “[t]he United States’ insufficient energy production, transportation, refining, and generation constitutes an unusual and extraordinary threat to our Nation’s economy, national security, and foreign policy.”).

²⁹ *Id.* at 8434 (Sec. 2(a)).

³⁰ *Id.* at 8433 (Sec. 1).

³¹ *Id.* at 8434 (Sec. 2).

³² *Id.* at 8436 (Sec. 7).

³³ *Id.* at 8436-37 (Sec. 9(a)(1), (b)); *see also* E.O. 14154, 90 Fed. Reg. at 8358-59 (Sec. 10(a)(1), (b)) (same).

III. PUBLIC CITIZEN’S REHEARING REQUEST

In seeking rehearing of Order No. 4346-B, Public Citizen argues that DOE “cannot authorize increases in LNG exports at a time when the President has declared a national energy emergency” in E.O. 14156 based on “‘insufficient’ domestic energy supplies.”³⁴

Specifically, Public Citizen contends that, in the Order, DOE mentions E.O. 14154, *Unleashing American Energy*, but “curiously omits President Trump’s Executive Order 14156 . . . declaring a National Energy Emergency.”³⁵ Public Citizen maintains, however, that the declaration of a National Energy Emergency “is directly relevant to an application to increase the volume of natural gas that will be exported . . . as it deprives [natural] gas volumes available for domestic consumers.”³⁶ Public Citizen further argues that E.O. 14156 “decisively supports the 2024 LNG Export Study’s conclusions that increasing the volume of LNG exports exacerbates domestic supply and demand shortages, exposing Americans to unjust and unreasonable price increases.”³⁷ Therefore, Public Citizen asserts that, as long as the National Energy Emergency declared in E.O. 14156 remains in effect, DOE “cannot authorize additional LNG exports, as doing so is inconsistent with the public interest.”³⁸

Next, Public Citizen states that, in comments submitted to DOE on the 2024 LNG Export Study, Public Citizen raised the concern that increasing LNG exports is incompatible with the National Energy Emergency declaration in E.O. 14156.³⁹ Public Citizen contends that DOE’s

³⁴ Rehearing Request at 1 (quoting E.O. 14156).

³⁵ *Id.*

³⁶ *Id.*

³⁷ Rehearing Request at 2. In support of this statement, Public Citizen cites DOE’s landing page for the 2024 LNG Export Study (and all related documents and comments), but does not provide any citations to the 2024 Study. For information on the 2024 LNG Export Study (or 2024 Study), see *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at §§ I, III, VIII.

³⁸ Rehearing Request at 2.

³⁹ *Id.* at 1. Public Citizen attached the first page of its comments on the 2024 Study to its Rehearing Request as Exhibit A, and the full comments are available at: <https://fossil.energy.gov/App/DocketIndex/Docket/DownloadFile/3448>.

Response to Comments on the 2024 LNG Export Study⁴⁰ “does not offer a rebuttal of [this] argument.”⁴¹ According to Public Citizen, DOE’s “failure to address the inherent conflict between the President’s National Energy Emergency declaration and [Calcasieu Pass’s Amendment Application] to increase the volume of LNG exports” is a “fatal error” in Order No. 4346-B.⁴²

Finally, Public Citizen disputes DOE’s characterization of the Amendment Application as “uncontested” in Order No. 4346-B, pointing to its comments on the 2024 Study referenced above.⁴³

IV. DISCUSSION

A. E.O. 14156, *Declaring a National Energy Emergency*, Does Not Provide a Basis for DOE to “Restrict” Exports of LNG or to Deny the Amendment Application

NGA section 3(a) requires that DOE “shall” conduct an informal adjudication and grant an export application unless DOE finds that the proposed exportation “will not be consistent with the public interest.”⁴⁴ Nonetheless, Public Citizen argues that Order No. 4346-B is “fatally flawed” because it “fails to incorporate necessary restrictions on LNG exports as implied by the National Energy Emergency declaration” set forth in E.O. 14156 on January 20, 2025.⁴⁵ Public Citizen further asserts that, “for as long as President Trump’s declared National Energy Emergency remains in effect, [DOE] cannot authorize any additional LNG exports.”⁴⁶ We find

⁴⁰ 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 [hereinafter Response to Comments].

⁴¹ Rehearing Request at 1.

⁴² *Id.* at 2.

⁴³ *Id.* (quoting *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at 7).

⁴⁴ 15 U.S.C. § 717b(a).

⁴⁵ Rehearing Request at 1.

⁴⁶ *Id.* at 2 (emphasis added).

that Public Citizen has failed to provide a legal or factual basis for this argument for several reasons.

First, Public Citizen has not established that E.O. 14156—which encourages the use of emergency authorities to address “insufficient energy production, transportation, refining, and generation”⁴⁷—applies to LNG exports under NGA section 3(a) and, by extension, to Order No. 4346-B. Although E.O. 14156 nominally mentions “natural gas” in defining the terms “energy” or “energy resources”⁴⁸ and directs the Secretary of Energy to take certain actions,⁴⁹ there is no language in E.O. 14156 that could be read to “imply” that the Secretary take any action involving LNG exports—much less halt the approval of exports for the duration of the National Energy Emergency, as Public Citizen claims.⁵⁰

By contrast, E.O. 14154, *Unleashing American Energy*—issued on the same day as E.O. 14156—directs the Secretary to “restart reviews” of applications to export LNG to non-FTA countries “as expeditiously as possible.”⁵¹ Public Citizen does not attempt to explain how the President could be “implying” the need for DOE to halt LNG export approvals under one executive order on the same day that the President explicitly instructs the Secretary to review the same applications “as expeditiously as possible” under another.

Further, any reading of E.O. 14156 that seeks to block DOE’s review and approval of LNG export applications “for as long as President Trump’s declared National Energy Emergency remains in effect”⁵² is directly counter to NGA section 3(a), which (as noted above) sets forth a general presumption favoring export authorization and requires an affirmative showing of

⁴⁷ See E.O. 14156, 90 Fed. Reg. at 8434 (Sec. 1).

⁴⁸ See *id.* at 8436 (Sec. 8(a)).

⁴⁹ See *supra* at 5.

⁵⁰ See Rehearing Request at 1-2.

⁵¹ E.O. 14154, 90 Fed. Reg. at 8357 (Sec. 8(a)); see also *supra* note 25.

⁵² Rehearing Request at 2.

inconsistency with the public interest to deny the application.⁵³ Moreover, E.O. 14156 expressly states that “[n]othing in this order shall be construed to impair . . . the authority granted by law.”⁵⁴ Yet, Public Citizen’s position, if accepted, would do just that by preventing DOE from implementing NGA section 3(a) indefinitely based on the National Energy Emergency declaration in E.O. 14156, without any specific evidence demonstrating how Calcasieu Pass’s proposed exports are inconsistent with the public interest, as discussed below.⁵⁵

Next, we find that Public Citizen’s factual statements are largely inaccurate and thus do not support its position. For example, Public Citizen argues that “the declaration of a National Energy Emergency,” *i.e.*, E.O. 14156, is “directly relevant” to an application to increase the volume of LNG to be exported “as it deprives [natural] gas volumes available for domestic consumers.”⁵⁶ In Order No. 4346-B, however, DOE found the opposite concerning domestic natural gas supply. Specifically, DOE pointed to its conclusion in the Response to Comments on the 2024 Study that “U.S. domestic natural gas supply is sufficient to meet domestic and market-based global demand for U.S. natural gas, including LNG, in all scenarios.”⁵⁷ DOE also pointed to recent authoritative projections of the U.S. Energy Information Administration (EIA), set forth in the *Annual Energy Outlook 2025*, which “continue to show market conditions that will accommodate increased exports of natural gas—well above what is required to meet projected increases in domestic consumption.”⁵⁸ Indeed, annual domestic natural gas production in the

⁵³ See *Sierra Club I*, 867 F.3d at 203 (citations omitted); see also *Louisiana v. Biden*, Case No. 2:24-CV-00406, 2024 WL 3253103, **14-15 (W.D. La. July 1, 2024).

⁵⁴ E.O. 14156, 90 Fed. Reg. at 8436-37 (Sec. 9(a)(1)); see also *id.* (Sec. 9(b)) (“This order shall be implemented consistent with applicable law.”).

⁵⁵ See, e.g., *Doctors for Am. v. Office of Personnel Mgmt.*, No. 25-CV-22, __ F.Supp.3d __, __, 2025 WL 1836009, at *22 (D.D.C. July 3, 2025) (“When the President issues an executive order, an agency’s exercise of discretion in implementing the order is cabined by the agency’s statutory obligations . . .”).

⁵⁶ Rehearing Request at 1.

⁵⁷ *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at 30 (citing Response to Comments at 43).

⁵⁸ *Id.* at 33 & n.167 (citing U.S. Energy Info. Admin., *Annual Energy Outlook 2025* (Apr. 15, 2025)) (emphasis added).

United States is projected to reach an all-time high for 2025.⁵⁹ Despite seeking rehearing of the Order on the basis of the National Energy Emergency declaration, Public Citizen does not dispute DOE’s findings in the Order about natural gas supply.

As another example, Public Citizen asserts that E.O. 14156 “decisively supports the 2024 LNG Export Study’s conclusions that increasing the volume of LNG exports exacerbates domestic supply and demand shortages, exposing Americans to unjust and unreasonable price increases.”⁶⁰ This sentence fundamentally mischaracterizes DOE’s conclusions in the 2024 Study concerning both the domestic natural gas supply and the potential impact of LNG exports on domestic natural gas prices. As set forth in the Order, DOE found that “any domestic price impact is expected to be minimal due to the abundant supply of natural gas in the United States.”⁶¹ Yet, in the Rehearing Request, Public Citizen does not acknowledge these findings or provide evidence or other analysis to support its view of price impacts with respect to either “additional LNG exports” generally or Calcasieu Pass’s requested exports specifically.

Finally, even though E.O. 14156, *Declaring a National Energy Emergency*, is not directly relevant to this proceeding, we note that certain key priorities expressed in that Executive Order are fully consistent with DOE’s findings in the 2024 Study and in granting Order No. 4346-B. For example, in E.O. 14156, the President emphasizes the importance of energy security and, in particular, selling “reliable, diversified, and affordable” U.S. energy resources to international allies and partners to “improve the United States’ trade balance, help our country compete with hostile foreign powers, strengthen relations with allies and partners,

⁵⁹ See U.S. Energy Info. Admin., *Short-Term Energy Outlook*, Table 5a (Sept. 2025), https://www.eia.gov/outlooks/steo/pdf/steo_full.pdf [hereinafter *Short-Term Energy Outlook*].

⁶⁰ Rehearing Request at 2.

⁶¹ *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at 31 (emphasis added) (quoting Response to Comments at 46-47) (further stating that “the potential price impacts from increased LNG exports modeled in the 2024 Study ‘are within the range of prices observed over the past five years’ (*i.e.*, since 2018)”).

and support international peace and security.”⁶² Similarly, in the Response to Comments on the 2024 Study (and reaffirmed in Order No. 4346-B), DOE concluded that the export of U.S. LNG to non-FTA countries “has a beneficial impact on the U.S. trade balance” and “enhances energy security for the United States and its allies and trading partners.”⁶³

Likewise, in evaluating Calcasieu Pass’s Amendment Application in the Order, DOE stated that, “[a]n efficient, transparent international market for natural gas with diverse sources of supply provides both economic and strategic benefits to the United States and our allies.”⁶⁴ DOE thus concluded that, “[b]y authorizing increased exports of U.S.-sourced LNG to non-FTA countries, including to U.S. allies in Europe and elsewhere, this Order will enable Calcasieu Pass to help mitigate energy security concerns.”⁶⁵

As these examples make clear, Public Citizen has not demonstrated that the Order granting Calcasieu Pass’s Amendment Application is “incompatible” with the President’s declaration of a National Energy Emergency in E.O. 14156 or that Order No. 4346-B is otherwise inconsistent with the public interest.

B. DOE Adequately Addressed Public Citizen’s Comment Regarding E.O. 14156

Public Citizen contends that DOE’s Response to Comments on the 2024 Study “does not offer a rebuttal of Public Citizen’s argument that increasing LNG exports is incompatible with the President’s declaration of a National Energy Emergency” in E.O. 14156.⁶⁶ Public Citizen argues that DOE’s “failure to address [this] inherent conflict” in either the Response to Comments or in Order No. 4346-B is “a fatal error” in Order No. 4346-B.⁶⁷

⁶² E.O. 14156, 90 Fed. Reg. at 8433 (Sec. 1).

⁶³ *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at 20 (citing Response to Comments at 46-49); *see also id.* at 19-20 (2024 Study findings).

⁶⁴ *Id.* at 34.

⁶⁵ *Id.* (emphasis added).

⁶⁶ Rehearing Request at 2.

⁶⁷ *Id.*

DOE's Response to Comments (issued on May 19, 2025)⁶⁸ summarized this comment by Public Citizen in the context of other comments addressing the executive orders issued on January 20, 2025:

Commenters also expressed views about how DOE should interpret recently issued executive orders and apply them to its public interest analysis. For example, Public Citizen stated that Executive Order (E.O.) 14156, *Declaring a National Energy Emergency*, 'decisively supports the . . . conclusions that increasing the volume of LNG exports exacerbates domestic supply and demand shortages, exposing Americans to unjust and unreasonable price increases,' adding that DOE 'cannot authorize additional LNG exports, as doing so is inconsistent with the public interest.'⁶⁹

In response, DOE explained its process for reviewing non-FTA export applications and pointed to the directives set forth in E.O. 14154, *Unleashing American Energy*, for DOE's evaluation of the public interest under NGA section 3(a).⁷⁰ DOE concluded its response by stating:

In sum, in evaluating the public interest in non-FTA export proceedings going forward, DOE will consider the Study and comments received, the evidence developed and submitted in each application proceeding, and all other applicable laws and precedent, including but not limited to executive orders.⁷¹

DOE believes that this language adequately responded to Public Citizen's comment about E.O. 14156, *Declaring a National Energy Emergency*, which (unlike E.O. 14154, *Unleashing American Energy*) does not contain directives about the export of LNG and thus is not directly relevant to LNG export proceedings, as set forth above.

Turning to Order No. 4346-B, Public Citizen's broad statement in its comments on the 2024 Study that, "for as long as President Trump's declared National Energy Emergency remains in effect, [DOE] cannot authorize any additional LNG exports" was not specific enough for DOE

⁶⁸ See *supra* note 40.

⁶⁹ Response to Comments at 3 (emphasis added and citation omitted).

⁷⁰ See *id* at 4.

⁷¹ *Id.* (emphasis added).

to evaluate in reviewing the Amendment Application in this proceeding. Public Citizen did not attempt to explain how Calcasieu Pass’s requested increase in its non-FTA export volume of 20.666 Bcf/yr of natural gas—which is approximately 0.4% of current LNG export levels from the United States⁷²—is relevant to the National Energy Emergency declared under E.O. 14156. Moreover, Calcasieu Pass is already authorized to export LNG at its maximum liquefaction capacity to FTA countries, and Order No. 4346-B provides Calcasieu Pass with the flexibility to allow its LNG export capacity to additionally serve non-FTA countries.⁷³ Even in its most recent filing—the Rehearing Request—the only “evidence” cited by Public Citizen is E.O. 14156 and DOE’s 2024 Study, which, as explained above, do not provide factual support for its arguments.

To be clear, DOE’s review of such statements is dictated by the application-specific language of NGA section 3(a), which requires DOE to “issue such orders upon application, unless, after opportunity for hearing, it finds that the proposed exportation . . . will not be consistent with the public interest.”⁷⁴ Accordingly, broad assertions about “additional LNG exports” and “increases in LNG exports” that obliquely reference numerous dockets and pending and future applications—with no attempt to demonstrate whether the proposed exports in a specific non-FTA application will or will not be “consistent with the public interest”—fall short of this statutory standard.⁷⁵ As the D.C. Circuit made clear, “there must be an affirmative showing of inconsistency with the public interest to deny [an] application” under NGA section 3(a),⁷⁶ and Public Citizen’s brief, generalized statements in both its comments on the 2024 Study and its Rehearing Request fail to make this showing here.

⁷² The 0.4% figure is calculated as follows: 20.666 Bcf / (14.7 Bcf/d * 365 days), using data from the *Short-Term Energy Outlook* (Table 5a).

⁷³ *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at 8; *see also id.* at 4-5 & nn.5-7 (identifying Calcasieu Pass’s FTA orders).

⁷⁴ 15 U.S.C. § 717b(a) (emphasis added).

⁷⁵ *See id.*

⁷⁶ *Sierra Club I*, 867 F.3d at 203 (internal quotations and citations omitted).

C. Calcasieu Pass's Amendment Application Is Uncontested Under DOE's Regulations

Public Citizen takes issue with DOE's characterization of the Amendment Application as "uncontested" in Order No. 4346-B.⁷⁷ Public Citizen counters that its comments on the 2024 LNG Export Study, filed in this docket, "rais[ed] the concern that increasing LNG export authorizations is incompatible with President Trump's National Energy Emergency declaration."⁷⁸

Public Citizen, however, does not provide DOE's full statement as to this issue. Under 10 C.F.R. § 590.102(b), a "contested proceeding" is defined as one in which either: (1) "a protest or a motion to intervene, or a notice of intervention, in opposition to an application or other requested action has been filed," or (2) "a party otherwise notifies the Assistant Secretary and the other parties to a proceeding in writing that it opposes an application or other requested action."⁷⁹ Thus, in Order No. 4346-B, DOE stated that "Public Citizen took no position on the Amendment Application, and therefore the Amendment Application is uncontested."⁸⁰ As additional explanation in a footnote, DOE observed that, "[b]ecause Public Citizen's motion does not express opposition to the Amendment Application, the Application is uncontested."⁸¹

Public Citizen's motion to intervene, filed in 2022, did not express opposition to the Amendment Application, stating only that "[o]ur organization and our members have a direct interest in Venture Global's applications to export LNG."⁸² Public Citizen added that, "LNG exports have a profound impact on domestic energy prices, contribute to an increase in

⁷⁷ Rehearing Request at 2 (citing *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at 7).

⁷⁸ *Id.*

⁷⁹ 10 C.F.R. § 590.102(b) (emphasis added).

⁸⁰ *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at 7 (emphasis added).

⁸¹ *Id.* at 7 n. 22 (emphasis added) (citing 10 C.F.R. § 590.102(b)).

⁸² Public Citizen Mot. at 1.

greenhouse gas emissions, and exacerbate environmental justice concerns in Louisiana.”⁸³ But under DOE’s longstanding interpretation of 10 C.F.R. § 590.102(b), statements about “LNG exports” generally do not constitute particularized opposition to an “application,” and thus do not satisfy the requirements for a proceeding to be considered “contested.”⁸⁴

The same is true for Public Citizen’s comments on the 2024 Study, which it cites in its Rehearing Request. As noted above, Public Citizen’s comments do not state particularized opposition to Calcasieu Pass’s Amendment Application (or any other application).

In sum, DOE properly characterized the Amendment Application as “uncontested” under DOE’s regulations. We note, however, that although this characterization is relevant to DOE’s description of the application proceeding, whether an application is “contested” or “uncontested” does not itself factor into DOE’s decision-making. In each final order issued under NGA section 3(a), including Order No. 4346-B, DOE evaluates and responds to all comments, protests, and motions that are timely submitted in response to the notice of application, together with other record evidence.⁸⁵

V. FINDINGS AND CONCLUSION

DOE finds that Public Citizen has not shown that granting Calcasieu Pass’s Amendment Application is inconsistent with the public interest. Accordingly, DOE denies Public Citizen’s Rehearing Request and reaffirms its previous finding that Calcasieu Pass’s Amendment Application should be granted subject to the Terms and Conditions and Ordering Paragraphs set forth in Order No. 4346-B.

⁸³ *Id.*

⁸⁴ As another recent example, DOE issued an order to Golden Pass LNG Terminal LLC (GPLNG) on March 5, 2025 (DOE/FECM Order Nos. 3147-F and 3978-G), in which Public Citizen had filed a motion to intervene. DOE stated: “Because the only movant—Public Citizen—does not oppose GPLNG’s Extension Application, the Extension Application is uncontested. *See* 10 C.F.R. § 590.102(b).”

⁸⁵ *See, e.g., Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-B, at 23.

VI. ORDER

Pursuant to Sections 3 and 19(a) of the Natural Gas Act,⁸⁶ DOE's regulations at 10 C.F.R. § 590.503, and for the reasons set forth above, it is ordered that Public Citizen's Rehearing Request is denied.

Issued in Washington, D.C., on October 3, 2025.

Kyle Haustveit
Assistant Secretary
Office of Fossil Energy and Carbon Management

⁸⁶ 15 U.S.C. §§ 717b, 717r(a).