

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

In the matter of Lake Charles LNG Export Company, LLC	)))))	Docket Nos. 16-109-LNG 13-04-LNG
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MOTION FOR LEAVE TO REPLY AND REPLY

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 respectfully move for leave to reply and request that the Department of Energy (“DOE”) accept this Reply to the Motion for Leave to Answer and Answer of Lake Charles LNG Export Company, LLC (“Lake Charles LNG Export”) to Joint Request for Rehearing, filed October 2, 2025¹ (“Answer”).

I. Motion for Leave to Reply.

Although DOE’s rules do not generally allow replies to Answers, DOE has permitted responsive filings that are “relevant to [DOE’s] consideration of the issues” raised. *See, e.g., Alaska LNG Project, LLC*, DOE/FE Order No. 3643-B, Docket No. 14-196-LNG, at 11, Ordering Paragraph A (Apr. 15, 2021). In this docket, DOE has previously granted a motion to reply when DOE found “that granting the motion will not substantially prejudice the rights of Lake Charles LNG Export, since the arguments contained in Environmental Advocates’ Reply are both narrowly tailored to addressing Lake Charles LNG Export’s Answer and relevant to the issues under consideration.” *Lake Charles LNG Export Company, LLC*, DOE/FECM Order No. 3868-E/4010-E, FE Docket Nos. 13-04-LNG & 16-109-LNG, Order Amending Long-Term

¹ Lake Charles LNG Export Company, LLC, Motion for Leave to Answer and Answer to Joint Request for Rearing, Docket Nos. 13-04-LNG & 16-109-LNG (Oct. 2, 2025) (hereinafter “Answer”).

Authorizations to Export Liquefied Natural Gas to Non-Free Trade Agreements Countries, at 25 (Aug. 22, 2025). DOE should similarly grant this motion because this proposed Reply similarly: (1) is relevant to DOE’s consideration of Lake Charles LNG Export’s assertions that DOE should reject the Request for Rehearing for alleged procedural violations; (2) is narrowly tailored to the arguments in Lake Charles LNG Export’s proposed Answer; and (3) will therefore not prejudice Lake Charles LNG Export.

II. Reply to Answer to Joint Request for Rehearing.

Lake Charles LNG Export is incorrect that the Request for Rehearing² is procedurally improper; therefore, DOE should reject the argument that the Request for Rehearing should be dismissed. Lake Charles LNG Export argues for a procedural standard that is not contained in the Natural Gas Act or DOE’s regulations and is contrary to DOE’s recent practice in other dockets. Additionally, even if Lake Charles LNG Export were correct that a party may not file a Request for Rehearing without first filing a protest—which it is not—it has not shown why the failure of one party to a rehearing request to protest would affect the ability of the other parties to seek rehearing when those other parties did file a protest. Lake Charles LNG Export also incorrectly accuses the Environmental and Community Advocates and Public Citizen of violating their duty of candor.

The standard for who may file a rehearing request that Lake Charles LNG seeks to have DOE adopt is inconsistent with the Natural Gas Act, DOE’s regulations, and DOE’s orders. The Natural Gas Act provides that “[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 U.S.C. § 717r(a). DOE’s regulations similarly provide that “[a]n application for rehearing of a final

² For a Better Bayou, *et al.*, Request for Rehearing, Docket Nos. 13-04-LNG & 16-109-LNG (Sept. 19, 2025).

opinion and order, conditional order, or emergency interim order may be filed by any party aggrieved by the issuance of such opinion and order within thirty (30) days after issuance.” 10 C.F.R. § 590.501(a). The statute and regulations therefore contain only two requirements for an entity to be able to file a request for rehearing: (1) that the entity is a “party” and (2) that the entity is “aggrieved.” Mere days before Lake Charles LNG filed its Answer, DOE confirmed this straightforward set of requirements in its order in response to a request for rehearing by Public Citizen in another docket where Public Citizen had not filed a protest. *Venture Global Calcasieu Pass, LLC*, DOE/FECM Order No. 4346-C, Docket No. 15-25-LNG (Oct. 3, 2025). Although DOE ultimately denied the request on the merits, DOE acknowledged that Public Citizen submitted a timely motion to intervene without expressing opposition to the application and then filed a request for rehearing. *Id.* at 2. Nowhere in that order did DOE state that Public Citizen (the only party that joined in that request for rehearing) was categorically barred from requesting rehearing because it had not previously filed a protest in that docket, and the fact that DOE proceeded to address the merits of Public Citizen’s rehearing request demonstrates the opposite view. Lake Charles LNG Export is therefore advocating for a standard that simply is not the legal requirement and would be inconsistent with the Natural Gas Act, DOE’s regulations, and extremely recent DOE precedent.

Lake Charles LNG also misrepresents the requirements of DOE’s regulations on protests. Answer at 5. Those regulations provide that “any person objecting to an application...*may* file a protest.” 10 C.F.R. § 590.304(a) (emphasis added). To the extent that a party chooses to file a protest, it must do so before the deadline established by DOE, *id.* § 590.304(e), and it then “shall be considered as a statement of position of the person filing the protest,” *id.* at § 590.304(c). But

nothing in those regulations changes the standard providing that a party may file a rehearing request if that party is aggrieved and has intervened.

Moreover, Lake Charles has failed to identify any way in which it has been prejudiced in a manner that would support dismissing the rehearing request in its entirety. The cases Lake Charles LNG Export cites where DOE dismissed rehearing requests for failure to file a protest are rooted in the unfair prejudice and unnecessary delay caused by the filing party's "wait and see approach." *See Golden Pass LNG Terminal LLC*, DOE/FECM Order No. 3978-F, FE Docket No. 12-156-LNG, at 10 (Jun. 24, 2022); *see also Magnolia LNG, LLC*, DOE/FECM Order No. 3909-D, Docket No. 13-132-LNG, at 9 (Jun. 24, 2022). Lake Charles LNG Export claims that it faces prejudice from allowing Public Citizen to raise objections to the project in a Request for a Rehearing rather than a timely filed Protest, and that "[t]his prejudice is not negated by the fact that the remainder of the Petitioners (i.e., Environmental Advocates) raised similar arguments in their joint protest." Answer at 8. But the company has failed to identify—let alone substantiate—what prejudice it has experienced or what delay has occurred by allowing Public Citizen to submit the Request for Rehearing jointly with parties that did file a protest.

The question of whether an intervenor has also filed a protest might be relevant to the question of whether a particular argument has been properly exhausted. But that is a separate question from whether an entity has party status and therefore the ability to submit a rehearing request at all; and Lake Charles LNG Export has not alleged that any of the arguments made in the rehearing request are unique to Public Citizen or should be dismissed for failure to exhaust. Lake Charles LNG instead concedes that "the remainder of the Petitioners (i.e., Environmental Advocates) raised similar arguments in their joint protest," Answer at 8, and fails to identify any way in which the arguments the Environmental and Community Advocates raised in their Protest

differ substantively from those raised on rehearing. That is because the arguments do *not* differ except insofar as they are tailored to respond to the reasoning in DOE’s Order No. 3868-E/4010-E, rather than to the 2025 Extension Application. Thus, even if DOE were to determine that the arguments in the Request for Rehearing were not properly exhausted by Public Citizen, they *were* exhausted by the Environmental and Community Advocates, who undisputedly filed a timely Request for Rehearing. There is, therefore, no basis—even if Lake Charles LNG Export were correct that filing a protest is a prerequisite to filing a rehearing request—for dismissal of the Request for Rehearing as a whole.

Finally, Lake Charles LNG Export also spuriously accuses the Environmental and Community Advocates and Public Citizen of violating their duty of candor by failing to acknowledge that Public Citizen had not filed a protest to the 2025 Extension Application, despite the fact that the Request for Rehearing made that fact plain:

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).

Request for Rehearing at 8. Lake Charles LNG Export even admits that the Request for Rehearing recounted this exact procedural history. Answer at 5 n.11 (citing Request for Rehearing at 8). DOE should therefore reject the claim that the duty of candor was violated in any way.

Lake Charles LNG Export’s Answer provides no basis in law or fact for dismissing the Rehearing Request.

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 this motion for leave to reply, consider the reply, and reject Lake Charles LNG Export's arguments for dismissal of the Request for Rehearing.

Dated: October 14, 2025

Respectfully submitted,

/s/ Ann Jaworski

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On behalf of Public Citizen

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Lake Charles LNG Export Company, LLC	)	Docket Nos. 16-109-LNG
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**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 October 14, 2025

/s/ Ann Jaworski
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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 October 13, 2025

/s/ Rebecca McCreary
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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 October 10, 2025

/s/ Tyson Slocum
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**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 October 14, 2025

/s/ Ann Jaworski
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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 October 13, 2025.

/s/ Rebecca McCreary
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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 October 10, 2025.

/s/ Tyson Slocum
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CERTIFICATE OF SERVICE

Pursuant to 10 C.F.R. § 590.107, I, Ann Jaworski, hereby certify that on October 14, 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 October 14, 2025

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