

DOE: Lake Charles Exports, LLC;) Docket Nos. 11-59-LNG
Application to Amend Export Term) 16-110-LNG
Through December 31, 2050, for Existing)
Non-Free Trade Agreement Authorizations)

DOE: Lake Charles LNG Export Company,) Docket Nos. 13-04-LNG
LLC; Application to Amend Export Term) 16-110-LNG
Through December 31, 2050, for Existing)
Non-Free Trade Agreement Authorizations)

RESPONSE BY THE INDUSTRIAL ENERGY CONSUMERS OF AMERICA TO LAKE CHARLES EXPORTS, LLC AND LAKE CHARLES LNG EXPORT COMPANY

The Office of Fossil Energy and Carbon Management (FECM) (formerly the Office of Fossil Energy) of the Department of Energy (DOE) gave notice (Notice) of receipt of an application (Application), filed on May 24, 2022, by Lake Charles Exports, LLC (LCE) and by Lake Charles LNG Export Company, LLC (Lake Charles LNG Export) to amend the export term set forth in its current authorizations to export liquefied natural gas (LNG) to non-free trade agreement countries, DOE/FE Order Nos. 3324-A and 4011 (both as amended), to a term ending on December 31, 2050.

I. Industrial Energy Consumers of America

The Industrial Energy Consumers (IECA) of America is a nonpartisan association of leading manufacturing companies with \$1.1 trillion in annual sales, over 11,700 facilities nationwide, and with more than 1.8 million employees. It is an organization created to promote the interests of manufacturing companies through advocacy and collaboration for which the availability, use and cost of energy, power or feedstock play a significant role in their ability to compete in domestic and world markets. IECA membership represents a diverse set of industries including: chemicals, plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, insulation, glass, industrial gases, pharmaceutical, building products, automotive, independent oil refining, and cement.

II. IECA Response to LCE

Only July 21, 2022, Lake Charles LNG Exports LLC and Lake Charles LNG Export Company, LLC (LCE) responded to IECA's motion to intervene in opposition to the extension.

LCE stated: "IECA attempted to justify its disregard for the DOE's mandate in the Notice by arguing that "[u]nder the Natural Gas Act (NGA), not only is it not in the public interest to amend the the export term set forth in the current authorizations to export LNG to Non-free trade agreement countries (NFTA) to a term ending on December 31, 2050, the existing application to export is also not in the public interest."

IECA's Motion to Intervene contained undisputed facts of how LNG export volumes have directly and negatively impacted the price of natural gas and electric power prices nationwide, increasing inflation and endangering national economic and national security. These impacts are so severe as to qualify as reason for the DOE to render "developments of such significant consequence to put the public interest at risk," and for the DOE to reject the application for an extension under the below provisions.

Federal Register/Volume 83, June 21, 2018

"Policy Statement Regarding Long-Term Authorizations to Export Natural Gas to Non-Free Trade Agreement Countries" states the following.

"In these authorizations, DOE has stated that "[s]ome commenters [have] asked DOE to clarify the circumstances under which the agency would exercise its authority to revoke (in whole or in part) previously issued LNG export authorizations." In response, DOE has stated that it "cannot precisely identify all circumstances under which such action would be taken." DOE has maintained, however, that "[i]n the event of any unforeseen developments of such significant consequence to put the public interest at risk, DOE/FE is fully authorized to take action as necessary to protect the public interest."

The price impacts cited in the IECA comments are real and not in the public interest under the Natural Gas Act and qualify as "*unforeseen developments of such significant consequence to put the public interest at risk.*" LCE has provided zero evidence that the extension would avoid higher impacts to the U.S. economy. IECA urges the DOE to take legal action to deny the extension.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon on the applicant and on DOE/FE for inclusion in the FE docket in the proceeding in accordance with 10 C.F.R. § 590.107(b) (2013).

Dated at Washington, D.C., this August 5, 2022.

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