

UNITED STATES OF AMERICA

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

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EXCELERATE LIQUEFACTION SOLUTIONS I, LLC

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) FE DOCKET NO. 12-146-LNG  
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ORDER GRANTING MOTION  
OF EXCELERATE LIQUEFACTION SOLUTIONS I, LLC  
FOR EXTENSION OF TIME  
TO FILE ANSWER TO PROTESTS

FEBRUARY 15, 2013

## I. BACKGROUND

On October 5, 2012, Excelerate Liquefaction Solutions I, LLC (ELS) filed an application (Application) with the Office of Fossil Energy (FE) of the Department of Energy (DOE) under Section 3 of the Natural Gas Act, 15 U.S.C. § 717b, and Part 590 of DOE Regulations, 10 C.F.R. §§ 590.100, *et seq.* (2012). The Application requested long-term, multi-contract authorization to export domestically produced liquefied natural gas (LNG) via ocean-going vessel from the proposed Excelerate Liquefaction Project to be located in Calhoun County, Texas, to any country (1) that has, or in the future develops, the capacity to import LNG; (2) with which the United States does not prohibit trade; and (3) to any country with which the United States of America does not now, or during the term of the license requested will not, have a Free Trade Agreement requiring the national treatment for trade in natural gas. DOE published a notice of ELS' Application in the *Federal Register* on December 6, 2012.<sup>1</sup> The notice invited public comment, motions to intervene, and/or protests and provided for the submission of such pleadings no later than February 4, 2013.

Pursuant to the notice of application, the Sierra Club and the American Public Gas Association (APGA) filed protests on February 4, 2013. Because of the voluminous nature of the Sierra Club's exhibits to its protest and because the exhibits were filed in an electronic format that was password protected, those exhibits were not posted to the public docket in this proceeding until February 7, 2013.

Under DOE regulations, 10 C.F.R. §§ 590.304, responses to the protests are due fifteen days after the protests were filed. That fifteen day period will expire on February 19, 2013.

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<sup>1</sup> *Excelerate Liquefaction Solutions I, LLC*, FE Docket No. 12-146-LNG, 77 Fed. Reg. 72,843 (December 6, 2012).

## II. ELS' MOTION

On February 14, 2013, ELS submitted a motion requesting a 15 day extension of time until March 6, 2013, in which to file answers to the Sierra Club and APGA protests. ELS asserts that the issues raised in Sierra Club's and APGA's protests are numerous and complex, and states that Sierra Club's brief alone was nearly seventy pages long with thousands of pages of attachments. ELS states that because DOE/FE has delayed issuing orders in these types of proceedings until evaluation of the 2012 LNG Export Studies are finished, no party is harmed by ELS' request for an extension. ELS states that DOE/FE has granted similar requests in the past.<sup>2</sup>

## III. FINDINGS

Upon consideration, DOE/FE finds that ELS has demonstrated good cause for granting the requested extension of time and ELS' motion will be granted. The Sierra Club's protest is voluminous and a limited amount of additional time for the applicant to prepare its response is warranted. Moreover, the extension granted herein is brief, will not adversely affect any other participant in this proceeding, and will not delay the ultimate resolution of this proceeding.

We are granting the motion for extension of time before the due date (March 1, 2013) for submitting replies to that motion provided by our regulations (10 C.F.R. § 590.302(b)). Were we not to do so, the deadline for the applicant's response to the motions to intervene and protests (February 19) will have passed before the due date for answers to the applicant's motion for an extension of time (March 1) and the motion for an extension of time would be moot. DOE/FE has granted motions for brief extensions of time under similar circumstances in other

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<sup>2</sup> ELS cites *Freeport LNG Expansion L.P. et al.*, FE Docket No. 11-161-LNG (May 3, 2012, Letter Order granting 15-day extension of time); *Gulf Coast LNG Export, LLC*, FE Docket No. 12-05-LNG (August 17, 2012, Letter order granting 13-day extension of time).

proceedings. *See*, Order Extending Time to Answer Protests and Motions to Intervene, in Conoco Phillips Alaska Natural Gas Corporation and Marathon Oil Company, FE Docket No. 07-02-LNG, issued April 24, 2007.

ORDER

Pursuant to section 3 of the NGA, it is ordered that ELS' request for an extension of time to and including March 6, 2013, for filing its answers to the protests filed in this proceeding by the Sierra Club and APGA is granted.

Issued in Washington, D.C., on February 15, 2013.

A handwritten signature in black ink, appearing to read "John A. Anderson", written over a horizontal line.

John A. Anderson  
Manager, Natural Gas Regulatory Activities  
Office of Oil and Gas Global Security and Supply  
Office of Fossil Energy