

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

GOLDEN PASS PRODUCTS LLC

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) FE DOCKET NO. 12-156-LNG

ORDER GRANTING MOTION
OF GOLDEN PASS PRODUCTS LLC
FOR EXTENSION OF TIME
TO FILE ANSWER TO PROTESTS

FEBRUARY 14, 2013

I. BACKGROUND

On October 26, 2012, Golden Pass Products LLC (GPP) filed an application (Application) with 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 existing Golden Pass LNG Terminal to any country (1) that has or in the future develops the capacity to import LNG via ocean-going carrier; (2) with which the United States does not prohibit trade; and (3) that does not have a Free Trade Agreement (FTA) requiring the national treatment for trade in natural gas. DOE published a notice of GPP's Application in the *Federal Register* on December 6, 2012.¹ 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.

¹ *Golden Pass Products LLC*, FE Docket No. 12-156-LNG, 77 Fed. Reg. 72,837 (December 6, 2012).

II. GPP'S MOTION

On February 6, 2013, GPP submitted a motion requesting a nine day extension of time, to and including February 28, 2013, in which to file an answer to the Sierra Club and APGA protests. GPP stated that, as of the date that it submitted its motion, it had not been served with a copy of the Sierra Club pleading and that, although the Sierra Club's protest stated that 100 numbered exhibits were attached, the staff of the Office of Fossil Energy (FE) has indicated that as of the time that the applicant filed the motion for extension of time, the Sierra Club had not filed those exhibits.

GPP asserts that it needs additional time to respond to the Sierra Club and APGA protests due to the complexity of the issues; the voluminous nature of the protests; and the pending February 25, 2013, deadline for reply comments on the DOE 2012 LNG Export Study, which DOE intends to use to inform its decision in this proceeding and other pending LNG export proceedings.

III. FINDINGS

Upon consideration, DOE/FE finds that GPP has demonstrated good cause for granting the requested extension of time and GPP's motion will be granted. Whether or not the Sierra Club timely filed the exhibits to its protest or properly served the applicant, there is no doubt that 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 (February 21, 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 (April 21) 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 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 GPP's request for an extension of time to and including February 28, 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 14, 2013.



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