

**UNITED STATES OF AMERICA  
BEFORE THE  
DEPARTMENT OF ENERGY  
OFFICE OF FOSSIL ENERGY**

**IN THE MATTER OF:**

**PANGEA LNG (NORTH AMERICA) ) FE DOCKET NO. 12-184-LNG  
HOLDINGS, LLC )**

**PANGEA LNG (NORTH AMERICA) HOLDINGS, LLC REQUEST FOR  
AN EXTENSION OF TIME TO ANSWER MOTIONS TO INTERVENE AND  
PROTESTS**

Pursuant to Sections 590.303(e) and 590.304(f) of the Department of Energy Office of Fossil Energy’s (“DOE/FE”) regulations,<sup>1</sup> Pangea LNG (North America) Holdings, LLC (“Pangea”) hereby requests an extension of time until June 5, 2013 to file an answer to the Sierra Club’s Motion to Intervene, Protest, and Comments (“Sierra Club Motion”), Sierra Club’s Motion to Have Late-Filed Exhibits Considered (“Sierra Club Late Exhibits Motion”),<sup>2</sup> and Motion for Leave to Intervene and Protest of the American Public Gas Association (“APGA Motion”).<sup>3</sup>

Good cause exists to grant Pangea an extension of time as requested herein. As a preliminary matter, a series of procedural missteps by Sierra Club required DOE/FE resolution before Pangea could definitively ascertain the reply deadlines for the interrelated Sierra Club pleadings. Based on what Pangea was able to glean from the Sierra Club Motion and the subsequent Sierra Club Late Exhibits Motion, it appears that Sierra Club attempted to submit its

<sup>1</sup> 10 C.F.R. §§ 590.303(e) and 590.304(f) (2013).

<sup>2</sup> The Sierra Club Out-of-Time Motion was submitted to DOE’s Office of Fossil Energy (“DOE/FE”) in two parts: the first part, a 66-page pleading, on April 29, 2013, at 4:31 p.m. (EDT); and the second part, a CD containing 100 Exhibits, on April 30, 2013, at a time unspecified. On May 6, 2013, at 12:36 pm (EDT), Sierra Club then filed the Late Exhibits Motion, as described in the text accompanying, *infra*, notes 5 and 6.

<sup>3</sup> The APGA Motion was filed on April 29, 2013, at 3:56 p.m. (EDT).

Motion to DOE/FE within the established deadline of 4:30 p.m., eastern time on April 29, 2013,<sup>4</sup> but missed the deadline anyway, and then submitted the 100 Exhibits referenced in the Motion on a CD that was received by DOE/FE the next day. Sierra Club then filed the Late Exhibits Motion, in which it represented that the Motion was filed timely (Late Exhibits Motion at 1), notwithstanding the fact that no part of its filing was received by DOE/FE within the established deadline.<sup>5</sup> In that same motion, Sierra Club then moved for leave to intervene out of time “[i]nsofar as Sierra Club’s filing of exhibits via mail postmarked on April 29 renders Sierra Club’s filing untimely,”<sup>6</sup> with no explanation for failing to meet the deadline in submitting its Motion in the first instance. On May 10, 2013 at 10:28 a.m. (EST), by notification to Sierra Club, DOE/FE clarified that answers to the Sierra Club Motion and the Sierra Club Late Exhibits Motion are due on May 14, 2013 and May 21, 2013, respectively.<sup>7</sup>

Furthermore, good cause exists for allowing Pangea to respond to the Sierra Club and APGA pleadings by June 5, 2013, given the voluminous nature of Sierra Club’s filings<sup>8</sup> as well as the complexity of the issues raised by both Sierra Club and APGA. In granting the requested extension, DOE/FE would provide Pangea and its counsel a reasonable time in which to adequately review the materials submitted and prepare an answer. Notably, DOE/FE has granted extensions of time for parties to answer similar pleadings in other LNG export proceedings.<sup>9</sup>

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<sup>4</sup> See 78 Fed. Reg. 13,330 (Feb. 27, 2013).

<sup>5</sup> See *supra* note 2. 10 C.F.R. § 590.105 provides that “[d]ocuments received after the regular business hours of 8 a.m. to 4:30 p.m. are deemed filed on the next regular business day.”

<sup>6</sup> Late Exhibits Motion at 5.

<sup>7</sup> See Attachment 1.

<sup>8</sup> The Sierra Club Motion is voluminous, running to 66 single-spaced pages with 100 attached exhibits (which are not accessible on the electronic docket, and which counsel for Pangea did not receive until May 3, 2013).

<sup>9</sup> See, e.g., *Excelerate Liquefaction Solutions I, LLC*, FE Docket No. 12-146-LNG (Feb. 15, 2013) (granting fifteen-day extension); *Gulf Coast LNG Export, LLC*, FE Docket No. 12-05-LNG (Aug. 17, 2012) (granting thirteen-day extension); *Freeport LNG Expansion L.P. et al.*, FE Docket No. 11-161-LNG (May 3, 2012) (granting fifteen-day extension).

No interested participant or party to the proceeding would be prejudiced or overly burdened by DOE/FE grant of the requested time extension, which is *de minimis* relative to the time required for DOE/FE to conduct a public interest analysis for the proposed Pangea LNG exports. In this regard, the short extension requested by Pangea would not disrupt the proceeding or otherwise delay the ultimate resolution thereof.

For the foregoing reasons, Pangea requests an extension of time until June 5, 2013 to file answers to the Sierra Club Motion, Sierra Club Late Exhibits Motion and APGA Motion.

Respectfully submitted,

/s/ Erik Swenson

Erik J.A. Swenson

Tania S. Perez

Charles R. Scott

*Attorneys for Pangea LNG (North America)  
Holdings, LLC*

Dated: May 13, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington D.C. this 13<sup>th</sup> day of May, 2013.

/s/Maguette Fame

Maguette Fame Ndiaye

*Paralegal on behalf of*

*Pangea LNG (North America) Holdings, LLC*

ATTACHMENT 1

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**From:** Anderson, John [<mailto:John.Anderson@hq.doe.gov>]  
**Sent:** Friday, May 10, 2013 10:28 AM  
**To:** 'nathan.matthews@sierraclub.org'  
**Cc:** Swenson, Erik (Energy,WO); Perez, Tania; 'jgodbold@pangealng.nl'; 'reisbrenner@pangealng.nl'; 'kathleen.krust@sierraclub.org'; 'dschryver@apga.org'; 'wmiller@mbolaw.com'; FERGAS  
**Subject:** FW: FE Docket 12-184-LNG: Sierra Club Motion to Intervene Out of Time  
**Importance:** High

Dear Mr. Matthews,

This email is notification that in Pangea LNG (North America) Holdings, LLC - FE Docket No. 12-184-LNG:

- (1) Sierra Club's Motion to Intervene, Protest, and Comments, were submitted to DOE/FE by email at [FERGAS@hq.doe.gov](mailto:FERGAS@hq.doe.gov) on April 29, 2013, at 4:31 pm eastern time;
- (2) The exhibits to Sierra Club's Motion to Intervene, Protest, and Comments were submitted to DOE/FE by package delivery on April 30, 2013; and
- (3) Sierra Club's Motion to Have Late-Filed Exhibits Considered was submitted to DOE/FE by email at [FERGAS@hq.doe.gov](mailto:FERGAS@hq.doe.gov) on May 6, 2013, at 12:36 pm eastern time (see below).

Upon consideration, Sierra Club's Motion to Intervene, Protest, and Comments will not be considered late-filed. Sierra Club submitted this filing only one minute out-of-time and, assuming all parties were properly served, we cannot identify any material prejudice to any party in this proceeding if we accept the filing as timely under these circumstances. Therefore, in the absence of countervailing information, we find good cause to consider that the Motion to Intervene, Protest, and Comments were filed on the April 29, 2013 due date. Pursuant to sections 590.303(e) and 590.304(f) of DOE's regulations (10 C.F.R. 590.303(e) and 10 C.F.R. 590.304(f), respectively), answers are due fifteen days after Sierra Club's pleading was filed, i.e. on May 14, 2013.

Because the exhibits to Sierra Club's Motion to Intervene, Protest, and Comments were submitted to DOE/FE on April 30, 2013, DOE/FE finds that filing to have been submitted out-of-time.

Yet inasmuch as Sierra Club has filed a Motion to Have Late-Filed Exhibits Considered, we will defer ruling on the admission of the late-filed exhibits until such time as we review the Motion and any forthcoming answers responding to the Motion. Pursuant to section 590.302(b) of DOE's regulations (10 C.F.R. 590.302(b)), answers to the Motion to Have Late-Filed Exhibits Considered will be due fifteen days from the date that the Motion was filed, i.e. on May 21, 2013.

Regards,  
John Anderson  
Manager, Natural Gas Regulatory Activities  
Office of Oil & Gas Global Security & Supply  
Office of Fossil Energy  
U.S. Department of Energy

**From:** Nathan Matthews [<mailto:nathan.matthews@sierraclub.org>]  
**Sent:** Monday, May 06, 2013 12:36 PM  
**To:** FERGAS  
**Cc:** [eswenson@fulbright.com](mailto:eswenson@fulbright.com); [tperez@fulbright.com](mailto:tperez@fulbright.com); [jgodbold@pangealng.nl](mailto:jgodbold@pangealng.nl); [reisbrenner@pangealng.nl](mailto:reisbrenner@pangealng.nl)  
**Subject:** FE Docket 12-184-LNG: Sierra Club Motion to Intervene Out of Time

To whom it may concern,

Attached please find Sierra Club's Motion to Out of Time in FE Docket No. 12-184-LNG and exhibits thereto.

Sincerely,

Nathan Matthews

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