

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

PANGEA LNG (NORTH AMERICA)
HOLDINGS, LLC

FE DOCKET NO. 12-184-LNG

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

MAY 16, 2013

BACKGROUND

On December 19, 2012, Pangea LNG (North America) Holdings, LLC (Pangea LNG) submitted an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) under section 3 of the Natural Gas Act (NGA), 15 USC 717b, for long-term, multi-contract authorization to export up to 398.5 billion cubic feet per year of domestically produced natural gas in the form of liquefied natural gas ("LNG"). Pangea LNG seeks authorization to export this LNG by vessel to any country (i) with which the United States does not have a Free Trade Agreement requiring the national treatment for trade in natural gas and LNG; (ii) that has, or in the future develops, the capacity to import LNG via ocean-going carrier; and (iii) with which trade is not prohibited by U.S. law or policy.

DOE/FE issued a Notice of Application (NOA) on February 21, 2013 and the NOA was published in the Federal Register on February 27, 2013 (78 Fed. Reg. 13330). The NOA invited interested persons to submit motions to intervene, protests, and/or comments on the Application no later than 4:30 p.m., Eastern Time, on April 29, 2013.

American Public Gas Association filed a motion for leave to intervene and protest on April 29, 2013, at 3:56 p.m., Eastern Time.

Sierra Club submitted a motion to intervene, protest, and comments on April 29, 2013, at 4:31 p.m., Eastern Time. On the following day, April 30, 2013, Sierra Club submitted 100 exhibits to accompany the motion to intervene. Also, on May 6, 2013, Sierra Club filed a motion to have late-filed exhibits considered.

On May 10, 2013, DOE/FE issued a letter order finding that Sierra Club's motion to intervene, protest, and comments, was timely filed on April 29 but finding also that the exhibits were filed out-of-time. The letter order deferred ruling on the admission of the late-filed exhibits

until such time as DOE/FE reviewed Sierra Club's May 6 motion and any answers thereto. Additionally, the letter order provided that answers to Sierra Club's motion to intervene, protest, and comments would be due May 14, 2013, and answers to the May 6 motion would be due on May 21, 2013.

On May 13, 2013, Pangea LNG submitted a request for an extension of time to respond to APGA's motion to intervene and protest; Sierra Club's motion to intervene, protest, and comments; and Sierra Club's motion to have late-filed exhibits considered. Pangea LNG asked for an extension until June 5, 2013.

DECISION

Upon consideration, I find that granting Pangea LNG an extension of time until June 5, 2013, in which to answer the above-described pleadings submitted by APGA and Sierra Club will not unduly or unfairly prejudice the rights of other persons or parties to these proceedings. I note that the exhibits which Sierra Club seeks to introduce into the record are voluminous and, therefore, good cause exists to permit Pangea LNG a limited period of time to review those documents and the other submissions herein.¹ I further note that responses to Pangea LNG's request for an extension of time are not due to be filed under DOE procedural rules until fifteen days after the motion was filed, i.e. May 28, 2013. Although the time for filing responses to Pangea LNG's motion has not elapsed, I find that today's action is procedural in nature; does not affect the substantive rights of any persons that seek to participate in these proceedings; and is warranted in order to provide certainty to Pangea LNG that it will have an adequate opportunity to review the pleadings and exhibits submitted. Action on the pending motions to intervene,

¹ See, 10 CFR 590.105(b): "When a document is required to be filed with FE within a prescribed time, an extension of time may be granted for good cause shown."

protests, and comments submitted by APGA and Sierra Club accordingly will be deferred pending further action herein.²

ORDER

Pursuant to section 3 of the NGA and 10 CFR Part 590, and for the reasons set forth above, Pangea LNG's request for an extension of time until June 5, 2013, to respond to APGA's motion to intervene and protest; Sierra Club's motion to intervene, protest, and comments; and Sierra Club's motion to have late-filed exhibits considered, is granted.

Issued in Washington, D.C., on May 16, 2013.



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

² See, 10 CFR 590.303(e) and 590.304(f) which provide that answers to motions to intervene and to protests, respectively, must be filed within 15 days after the motion or protest is filed "unless a later date is permitted...for good cause shown."