

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
) FE DOCKET NO. 12-146-LNG
Excelerate Liquefaction Solution I, LLC)
)

SIERRA CLUB’S RENEWED MOTION TO REPLY AND REPLY

Pursuant to 10 C.F.R. §§ 590.302(a) & 590.310, Sierra Club moves for leave to reply to the answer of Excelerate Liquefaction Solutions I (“Excelerate”) to Sierra Club’s motion to intervene and protest. Sierra Club’s reply is incorporated into this filing.

I. Sierra Club Should Be Granted Leave to Reply

DOE/FE rules allow any party to move for additional procedures in any case. See 10 C.F.R. §§ 590.302(a) & 590.310. Sierra Club did so in its protest, moving for permission to file a reply if an answer was filed. See Protest at 3 n.2. Excelerate did not oppose that request, and Sierra Club renews it here.

The public interest test of 15 U.S.C. § 717b requires DOE/FE to conduct a searching inquiry to determine whether Excelerate’s export proposal is consistent with the public interest. As Deputy Assistant DOE Secretary Chris Smith has explained, LNG export authorization is “a tremendously important decision” with significant public impacts. See Nick Snow, Oil and Gas Journal, *US DOE to move carefully on LNG export requests, NARUC meeting told* (Feb. 5, 2013). Because the public interest necessarily embraces environmental concerns, see *Nat’l Ass’n for the Advancement of Colored People v. Federal Power Comm’n*, 425 U.S. 662, 670 n.4 & n.6 (1976), the environmental issues which Sierra Club primarily discusses are particularly important to fully examine in this proceeding. Accordingly, DOE/FE should take the opportunity to benefit from a full record and complete arguments in this case. In Sierra Club’s view, Excelerate’s answer misstates important questions of fact and law which bear on the public interest. Sierra Club therefore seeks leave to reply to address these matters. DOE/FE should ensure that these important questions receive fair consideration by considering this brief reply.

II. Sierra Club Must Be Granted Leave to Intervene

Excelerate argues that Sierra Club's motion to intervene should be denied because the Sierra Club has not demonstrated a sufficient interest in this proceeding. Excelerate misstates both the standard for intervention under the Natural Gas Act ("NGA" or "Act") and the evidence regarding Sierra Club's interests.

On the first point, the Act allows intervention by "any . . . person whose participation in the proceeding may be in the public interest," 15 U.S.C. § 717n(e), and the Supreme Court has made clear that the public interest includes environmental interests like the Sierra Club's. See *NAACP v. Federal Power Comm'n*, 425 U.S. at 670 n.4 & n.6. Thus, if a party can better inform DOE/FE, raise arguments on the public's behalf, or otherwise act to serve the broad public interest inquiry, that party is to be admitted as an intervenor. DOE's implementing regulation merely asks for a general statement of the would-be intervenor's "claim of interest," but sets no standard for this interest. 10 C.F.R. § 590.303(b).

On the second point, the environmental and ratepayer protection issues which the Sierra Club raises here clearly serve the public and the purposes of the Natural Gas Act, as well as reflect the substantial interests of the Sierra Club's own members. The Sierra Club's environmental interests include the effects of increased coal consumption in response to increased domestic prices and the effects of increased domestic natural gas production. On the former, Excelerate argues that Sierra Club "does not identify any specific displacement of natural gas resulting from DOE/FE granting the authorization." Answer at 6. This is both irrelevant and incorrect. Excelerate does not (and cannot) identify any authority requiring a showing of "specific displacement" at this stage in order for the Sierra Club to intervene on the basis of this interest. Moreover, the Sierra Club cited the EIA Export Study, which included detailed predictions about the amount of coal increase that would result from various levels of LNG exports. So too with exports' inducement of additional gas production. Excelerate's alternative argument that DOE/FE may ignore these impacts is also incorrect, as explained below.

Excelerate similarly argues that "Sierra Club has not sufficiently set forth facts upon which its claim of economic interest is based." Answer at 6. Sierra Club's motion to intervene and protest explained that all available studies indicate that exports would raise domestic gas prices, harming domestic consumers, and that the NERA study in particular, while flawed, demonstrates that these harms would outweigh the benefits of exports. As we explained in our reply comment regarding the NERA study, although gas price increases resulting from environmental regulation may be a net public benefit,

increases in the price of gas as a result of exports are not.¹ Thus, Sierra Club easily satisfies the minimal standards for intervention in this proceeding.

DOE/FE must reject Excelerate's suggestion that Sierra Club's ability to participate in other proceedings precludes intervention here. DOE/FE's own regulations require Sierra Club to intervene in *this* proceeding at *this* stage in order to protect its interests. Sierra Club agrees that a more sensible framework for handling intervention would be to allow Sierra Club to intervene in this docket once environmental review was underway, *i.e.*, once more definite plans had been put forward by Excelerate and once a draft NEPA document was circulated. At that stage, Sierra Club will be able to provide additional detail regarding likely environmental effects (although such specific showing is not required for intervention). Nonetheless, DOE/FE recently rejected Sierra Club's effort to proceed in precisely this manner (*i.e.*, to intervene once DOE/FE began considering environmental impacts).² Accordingly, Sierra Club has a right to intervene here to preserve its right to seek judicial review of DOE/FE's decisions.

Finally, Excelerate argues that allowing Sierra Club to intervene here will result in duplication of effort. This argument is wholly unsupported: Excelerate cannot identify any particular way in which allowing Sierra Club to intervene here will disrupt FERC's role as lead agency for NEPA review or otherwise cause redundancy. Moreover, this argument is a red herring—intervenor who raise additional issues will, perhaps as a rule, introduce complexity into proceedings, but this is no basis for denying a timely motion to intervene.

III. Excelerate's Proposal Is Contrary To The Public Interest

A. DOE/FE's Obligation to Evaluate the Public Interest

Although Excelerate correctly states that DOE/FE has interpreted the Natural Gas Act to create a rebuttable presumption in favor of exports, Answer at 9, courts have limited the scope and weight of this presumption. See *Panhandle Producers & Royalty Owners Ass'n v. Economic Regulatory Admin.*, 822 F.3d 1105 (D.C. Cir. 1987). DOE/FE's interpretation rests on a set of 1984 *import* guidelines. Even in the context of imports, the D.C. Circuit made clear that the guidelines could not "create a norm binding the promulgating agency" and that their principles and policy remain subject to "complete attack before it is finally applied in future cases." *Id.* at 1110-11. Sierra Club has mounted such an attack here, asserting that many other factors relevant to export, but

¹ Sierra Club NERA Reply Comment at 6-7, *available at* http://www.fossil.energy.gov/programs/gasregulation/authorizations/export_study/reply_comments/Sierra_Club02_25_13.pdf

² DOE/FE Orders 2961A, 2961B.

not to import, weigh against granting this application. Accordingly, DOE/FE need not follow the guidelines or the rebuttable presumption approach.

Even if DOE/FE applies a presumption in favor of exports, Sierra Club has amply rebutted that presumption. Excelerate does not dispute that environmental impacts fall within the scope of the public interest considered by the Natural Gas Act, and Sierra Club has shown that approving Excelerate's action will have severe environmental effects. Sierra Club has also shown that Excelerate's proposed exports will eliminate domestic jobs and harm the public by increasing gas prices. We explain these impacts in greater detail below.

B. Environmental Impacts

1. Scope and Process for NEPA Review

FERC has determined that a full EIS is required here. NEPA requires consideration of the cumulative impacts of all pending export proposals as a component of this EIS. Rather than repeat this cumulative impacts analysis in each terminal proceeding, DOE/FE and FERC would be better served by preparing a programmatic EIS concerning these issues.

Excelerate argues that a programmatic EIS is inappropriate because, it contends, there is not an "overall program" encompassing the pending LNG export proposals. Answer at 30 (citing *Found. on Econ. Trends v. Heckler*, 756 F.2d 143, 159 (D.C. Cir. 1985)). As *Foundation on Economic Trends* explained, however, a programmatic EIS *should* be prepared when the agency is confronted with multiple actions that are "'cumulative,' or sufficiently 'similar' that a programmatic EIS is 'the best way' to identify the environmental effects." 756 F.3d at 159 (quoting 40 C.F.R. § 1508.25). Here, the pending export proposals exhibit this similarity, notwithstanding the fact the proposals are presented to DOE/FE as separate actions. Indeed, the question of whether there is an "overall program" with regard to exports is the same for environmental impacts as it is for economic impacts, and DOE/FE has determined that a programmatic analysis of economic impacts is appropriate.

Excelerate extensively discusses FERC's role as lead agency in NEPA review of individual export proposals. Sierra Club does not object to FERC acting as lead agency for facility-specific NEPA review. Sierra Club suggests, however, that DOE/FE may be in a better position to conduct a programmatic study of the effects of exports, given DOE/FE's greater expertise with modeling energy markets. In addition, even in the context of facility-specific NEPA review, DOE/FE has an independent obligation to ensure that DOE/FE and the public are adequately informed regarding (and that DOE/FE actually considers) the environmental impacts of proposed DOE/FE actions, as both DOE/FE and FERC have recently recognized. *See Sabine Pass LNG*, FERC Docket No. CP11-72-001, 140 FERC ¶ 61,076 P 32 (July 26, 2012) ("DOE has separate statutory responsibilities with respect to authorizing the export of LNG from Sabine Pass; thus it has an independent

legal obligation to comply with NEPA.”), DOE/FE Docket No. 10-111-LNG, Order 2961-A, 27 (Aug. 7, 2012) (DOE/FE recognizes that it is “responsible for conducting an independent review” of FERC’s analysis and determining whether “the record needs to be supplemented in order for DOE/FE to meet its statutory responsibilities under section 3 of the NGA and under NEPA.”). As such, Sierra Club does not object to FERC acting as lead agency for purposes of facility-specific NEPA review, but if FERC’s NEPA documents provide an inadequate basis for DOE/FE’s NEPA review, DOE/FE must amend this deficiency.

2. DOE/FE Must Not Conditionally Authorize the Project Prior to Analysis of Environmental Impacts

Because the public interest includes environmental impacts, DOE/FE cannot make a determination regarding the public interest—conditional or otherwise—before it has considered environmental impacts. This requirement stems from the Natural Gas Act itself, together with basic principles of administrative law: environmental impacts are “an important aspect of the problem” before DOE/FE and failure to consider them in the public interest determination would be arbitrary and capricious. *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

Independently, DOE regulations prohibit any action prior to completion of NEPA review. As Sierra Club’s protest explained, 10 C.F.R. § 1021.211 provides that “While DOE is preparing an EIS that is required under § 1021.300(a) of this part, DOE shall take no action concerning the proposal that is the subject of the EIS before issuing an ROD, except as provided at 40 CFR 1506.1.” Excelerate does not dispute that an EIS is required for this project, but argues that the EIS is not required “under § 1021.300(a).” Answer at 25. Specifically, Excelerate asserts, without discussion, that FERC’s role as lead agency for NEPA review removes the EIS from the ambit of section 1021.300(a). This position finds no support in the text of section 1021.300(a). That regulation provides that

DOE shall determine, under the procedures in the CEQ Regulations and this part, whether any DOE proposal:

- (1) Requires preparation of an EIS;
- (2) Requires preparation of an EA; or
- (3) Is categorically excluded from preparation of either an EIS or an EA.

Excelerate’s application for DOE/FE authorization to export LNG to non-FTA countries is plainly a “DOE proposal,” because this term is defined to mean “a proposal, as discussed at 40 CFR 1508.23 (whether initiated by DOE, another Federal agency, or an applicant), for an action, if the proposal requires a DOE decision.” 10 C.F.R. § 1024.104. Section 1021.300(a) therefore obliges DOE to determine whether an EIS is required. The possibility of FERC acting as lead agency for the preparation of this EIS is irrelevant to

the question of whether an EIS is required, or to DOE's obligation to resolve this question itself. Accordingly, DOE/FE must reject Exelerate's argument that 10 C.F.R. § 1021.300(a), and by extension § 1021.211, do not apply here.³

Sierra Club also explained that 40 C.F.R. § 1506.1 indicates that NEPA review should precede any DOE/FE action on the proposal. As explained elsewhere, a programmatic EIS is the most appropriate approach to evaluating exports. 40 C.F.R. § 1506.1(c) provides that while a programmatic EIS is being prepared, "agencies shall not undertake in the interim any major Federal action covered by the program which may significantly affect the quality of the human environment" unless certain additional conditions are met. Even if DOE/FE proceeds without a programmatic EIS, however, section 1506.1(a) prohibits any action that would "Have an adverse environmental impact" or "Limit the choice of reasonable alternatives." As Sierra Club's protest explained, in the *Sabine Pass* proceeding FERC considered an unreasonably narrow range of alternatives, and FERC's decision appears to have rested in part on DOE/FE's conditional authorization. Protest at 19.

3. DOE/FE Must Consider The Environmental Effects of Induced Gas Production

Sierra Club's protest included extensive discussion of EIA and Deloitte's forecasts of the extent to which LNG exports will induce additional gas production. Protest at 25-28. In general, these forecasts agree that 60 to 70% of the exported gas will come from additional domestic production. In light of these forecasts, induced production is eminently within the scope of "reasonably foreseeable" effects of Exelerate's proposed exports, and therefore must be considered in the Natural Gas Act and NEPA analyses.

Exelerate initially—and wrongly—argues that DOE/FE may ignore the effects of induced production because states regulate production and because it would be more appropriate for the Club to raise these issues in FERC proceedings. State regulation of production is irrelevant: NEPA frequently requires federal agencies to consider impacts of proposed federal action notwithstanding state regulation of those impacts. *See, e.g., Michigan Gambling Opposition v. Kempthorne*, 525 F.3d 23, 29 (D.C. Cir. 2008), *Taxpayers of Michigan Against Casinos v. Norton*, 433 F.3d 852, 863 (D.C. Cir. 2006) (NEPA requires analysis of vehicle traffic that non-transportation federal projects will induce). Sierra Club will raise these induced production issues before FERC, but as explained above, DOE/FE has independent obligations, under the NGA and NEPA, to consider the effects of induced production.

³ Exelerate's answer's citation to *Great Lakes Transmission Co.*, 1 FE ¶ 70,256 (1989), like Exelerate's application's citation to *Rochester Gas & Elec. Corp.*, FE Dkt. No. 90-05-NG (May 16, 1991), is inapplicable here, as these orders precede the adoption of 10 C.F.R. § 1021.211. Answer at 28.

Excelerate then moves to its primary arguments, which concern the foreseeability of induced production. Excelerate argues that it is impossible to “estimate how much of the export volumes will be current shale gas production and how much, if any, will be new production ‘attributable’ to the project,” but EIA and Deloitte have done precisely this. Answer at 32, quoting Sabine Pass, 139 FERC ¶61039 at P 98. FERC has provided no support for its assertion that EIA’s analysis “provides no assistance for [the agency] to reasonably estimate how much of the gas [exported by the project] will come from current versus future shale gas production.” Answer at 34 (quoting *Cheniere Creole Trail Pipeline, L.P.*, 142 FERC ¶61,137, P 57 (2013)). EIA predicts, for example, that in reference case conditions, across export scenarios, an average of 63 percent of exported gas will come from additional production, with 72 percent of this additional production coming from shale. EIA Export Study at 10, 11. Neither Excelerate nor FERC have offered an explanation as to why these predications “provide[] no assistance” in forecasting the amount of induced production, and DOE/FE cannot rely on FERC’s erroneous dismissal thereof.

Excelerate similarly argues that the location of induced production is too uncertain to support meaningful discussion of the environmental effects thereof. Again drawing from FERC orders, Excelerate takes the absurd position that even if the location of individual permitted wells is known, uncertainty regarding “the specific location of gathering lines, access roads, and other associated infrastructure” precludes “meaningful analysis.” Answer at 33. As Sierra Club’s protest demonstrated, meaningful analysis of these impacts, such as impacts on regional air quality, can occur despite any such uncertainty. In a closely analogous context, the DC Circuit has held that where there are reasonable estimates of the deployment of nuclear power plants, the amount of waste produced, and the land needed to store waste, NEPA required analysis of the impacts of waste storage even though the agency could not predict where such storage would occur. *Scientists’ Inst. for Pub. Info., Inc. v. Atomic Energy Comm’n*, 481 F.2d 1079, 1096-97 (D.C. Cir. 1973).

Sierra Club agrees that this case is informed by *Northern Plains Resource Council v. Surface Transp. Bd.*, 668 F.3d 1067, 1081-82 (9th Cir. 2011), *Mid States Coalition for Progress v. Surface Transp. Bd.*, 345 F.3d 520, 548-550 (8th Cir. 2003), and *Border Power Plant Working Group v. DOE*, 260 F. Supp. 2d 997 (S.D. Cal. 2003), but Excelerate’s efforts to distinguish these cases fail. Notably, while Excelerate argues that subsequent cases have narrowed *Mid States Coalition for Progress*, the cited cases support Sierra Club’s position. For example, *Habitat Education Center v. U.S. Forest Service* favorably cited *Mid States’* central holding that “when the *nature* of the effect is reasonably foreseeable but its *extent* is not, we think that the agency may not simply ignore the effect.” 609 F.3d 897, 902 (7th Cir. 2010) (quoting *Mid States Coalition for Progress*, 345 F.3d at 549-50) (emphasis in original). *Habitat Education Center* merely held that when even less is known about a future effect or project, such that the agency is “not capable

of meaningful discussion” thereof, such discussion is not required. Sierra Club has shown that meaningful discussion of induced production is possible.

C. Economic Impacts

1. DOE/FE Cannot Consider Excelerate’s Proposal in Isolation

As we previously explained, DOE/FE must consider the potential impact of all pending export proposals. This is especially true in assessing economic impacts, because the relationship between volume and price impacts is more than one to one: doubling the volume of exports more than doubles the magnitude of price impacts. Protest at 55.

Although Excelerate did not address the issue of likely volume of exports in its application, Excelerate now contends that only a small volume of the proposed exports are likely to occur, and that DOE/FE therefore need not consider the cumulative impact of all proposed exports. Answer at 17. This is wrong for at least three reasons. First, DOE/FE cannot authorize activity on the assumption that the activity will not actually occur: DOE/FE must consider the impacts of the activity it authorizes, and DOE/FE is faced with the question of whether to authorize 28.3 bcf/d of exports. Protest at 56. Second, even if DOE/FE were to adopt Excelerate’s position of examining the consequences of *likely* exports, Excelerate relies on the NERA Study’s conclusions regarding the volume of exports that are likely to occur, but as Sierra Club has explained, NERA underestimated these volumes. *Id.* Third, at the absolute minimum, in evaluating *Excelerate’s* application, DOE/FE must consider scenarios in which it is likely that *Excelerate* would be one of the facilities actually exporting LNG. DOE/FE has already approved 2.2 bcf/d of exports from the Sabine Pass facility, and DOE/FE has stated that it will commence processing eight other applications, totaling an additional 11.65 bcf/d of exports to non-FTA countries, before it begins with Excelerate’s application.⁴ Thus, Excelerate is only likely to export LNG if demand for US-sourced LNG exceeds the amount ultimately supplied by these prior facilities. Thus, the impacts of *Excelerate’s* proposal will likely occur against a background of high export volumes, well beyond the range of “likely” exports predicted by NERA and consistent with, if not greater than, the volumes analyzed by EIA.

///

///

⁴ http://fossil.energy.gov/programs/gasregulation/publications/export_applications_order_of_precedence.pdf and http://fossil.energy.gov/programs/gasregulation/reports/summary_lng_applications.pdf

2. Excelerate Has Failed to Rebut Sierra Club's Arguments Regarding Price Increases, Job Losses, and Other Economic Impacts

Excelerate's answer discusses price impacts primarily through unsupported assertion. Excelerate contends that Sierra Club has provided "scant" evidence of price increases and job impacts. Yet Excelerate does not explain why the EIA, NERA, and Synapse reports that Sierra Club cites somehow amount to "scant" evidence. Answer at 12, 21. Excelerate contends that studies predict "small" percentage increases in in Henry Hub prices without supporting this characterization, Answer at 14, whereas Sierra Club provided extensive discussion as to why the predicted increases would have significant adverse impacts on the electricity sector, employment, and consumers. Excelerate contends that available models reach similar conclusions regarding price impacts, without acknowledging that EIA's model predicts *twice* the price increase of Excelerate's Deloitte model. *Id.* Excelerate offers a general faith that producers will increase production to supply exports and avoid price shocks, Answer at 15, but the likelihood of this increase is merely a factor to be included in price models, not a reason to disregard the models. As Sierra Club explained here and in its initial and reply comments regarding the NERA study, exports will increase prices despite increases in production.

Excelerate further answers Sierra Club's arguments regarding jobs and coal use by turning a blind eye to even modest complexity in those arguments. Sierra Club explained that although exports will create some additional jobs in gas production, Excelerate overstated the benefit of these jobs, and this job creation benefit will be offset by the relative loss of jobs in manufacturing and other sectors of the economy. Protest at 65 – 67. Meaningful discussion of job impacts must be a comparison between scenarios with and without exports, but Excelerate essentially ignores this fact, offering no discussion of jobs that would be lost due to increased prices. Answer at 21-22. Sierra Club criticized the impact study submitted by Excelerate for failing to consider this issue, Protest at 66, and Excelerate does not dispute that these effects are not captured by its model. On the other hand, Excelerate's only rebuttal to Sierra Club's argument is true but wholly irrelevant. Excelerate observes that Sierra Club has "not proffered any competing arguments" regarding job losses "except" the argument Sierra Club in fact offered, *i.e.*, extrapolation of likely job losses based on analysis contained in the NERA report. Answer at 21; *see also* Protest at 65-67. Because Excelerate has not offered any rebuttal to the merits of the argument Sierra Club did offer, Excelerate's trivially true observation that Sierra Club has not made additional arguments should be disregarded.

Similarly, Excelerate oversimplifies the discussion of how price increases will impact coal use. Sierra Club explained that exports will increase gas prices, and that these increased prices will cause some electricity generators who would have used natural gas to use

coal instead.⁵ Exceletrate responds that gas prices will increase because of increasing demand from electricity generators regardless of whether exports will occur. Answer at 18. Again, this is both true and irrelevant: relying on EIA forecasts, Sierra Club acknowledges that gas prices are likely to increase even if exports are not permitted, but Sierra Club argues that exports will cause a marginal increase in gas prices beyond the increase than what would occur without exports, that this export-induced increase will cause an additional shift in the fuel mix of electricity generators, and that DOE/FE must consider this impact. Protest at 57-59.

IV. Conclusion

The most important issue raised in Sierra Club's protest is DOE/FE's obligation to consider the impacts of induced production. Exceletrate's answer asserts that induced production cannot be adequately predicted, without explaining why the very predictions Sierra Club supplied are inadequate. The National Environmental Policy Act requires disclosure of induced production's impacts, and the Natural Gas Act requires DOE/FE to weigh them. Fairly weighed, Sierra Club continues to contend, such impacts demonstrate that Exceletrate's proposal is not in the public interest. This is particularly so given the evidence that project's economic impacts on the public at large will be generally negative, as explained in our comments on the NERA study. Of course, whether or not these economic benefits are as large as Exceletrate contends, it would be arbitrary and capricious to weigh them without counting the environmental cost. Accordingly, as we explained in our protest, DOE/FE's public interest review must consider the environmental effects of terminal construction and operation, of induced production, and of increased domestic gas prices. To ensure that these effects are given adequate consideration, DOE/FE should deny Exceletrate's request for a conditional authorization prior to completion of environmental review.

Dated: March 21, 2013

Respectfully submitted,

/s/ Nathan Matthews

Nathan Matthews

Sierra Club Environmental Law Program

85 2nd St., Second Floor

San Francisco, CA 94105

(415) 977-5695

Nathan.Matthews@sierraclub.org

⁵ It will also drive some generators from gas to renewables, but EIA predicts that the switch to coal will be greater than the switch to renewables. See Protest at 57-58.

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
)
Excelerate Liquefaction Solutions, LLC) FE DOCKET NO. 12-146-LNG
)
)

CERTIFICATE OF SERVICE

I hereby certify that I caused the above documents to be served on the applicant and all others parties in this docket, in accordance with 10 C.F.R. § 590.017, on March 21, 2013.

Dated at San Francisco, CA, this 21st day of March, 2013.



Nathan Matthews
Associate Attorney
Sierra Club Environmental Law Program
85 Second Street, Second Floor
San Francisco, CA 94105
Telephone: (415) 977-5695
Fax: (415) 977-5793
Email: nathan.matthews@sierraclub.org

UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
OFFICE OF FOSSIL ENERGY

IN THE MATTER OF)
) FE DOCKET NO. 12-146-LNG
Excelerate Liquefaction Solutions, LLC)
)

VERIFICATION

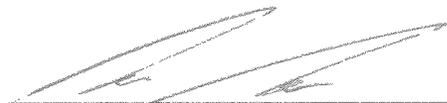
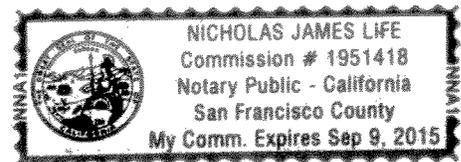
SAN FRANCISCO §
 §
CALIFORNIA §

Pursuant to C.F.R. §590.103(b), Nathan Matthews, being duly sworn, affirms that he is authorized to execute this verification, that he has read the foregoing document, and that facts stated herein are true and correct to the best of his knowledge, information, and belief.



Nathan Matthews
Associate Attorney
Sierra Club Environmental Law Program
85 Second Street, Second Floor
San Francisco, CA 94105
Telephone: (415) 977-5695
Fax: (415) 977-5793
Email: nathan.matthews@sierraclub.org

Subscribed and sworn to before me this 21st day of March, 2013.


Notary Public

My commission expires: 09/09/2015