

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GOVERNMENT ACCOUNTABILITY
& OVERSIGHT,

Plaintiff,

v.

DEPARTMENT OF ENERGY,

Defendant.

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Civil Action No. 1:24-cv-1829 (RDM)

PLAINTIFF'S
STATEMENT OF UNDISPUTED MATERIAL FACTS

NOW COMES the Plaintiff, pursuant to Fed. R Civ. P. 56 (c) and Local Civil Rule 7 (h), and submits the following statement of undisputed material facts in support of its cross-motion for summary judgment.

1. On January 26, 2024, the Department of Energy published the document which is attached hereto as Exhibit A.
2. Exhibit A reveals that the Department of Energy, in relevant part, “*DOE Will Initiate a Process to Update Economic and Environmental Analyses Used to Review LNG Export Applications to non-Free Trade Agreement Countries...* The United States Department of Energy (DOE) today provided notice that it will initiate a process to update the assessments used to inform whether additional liquefied natural gas (LNG) export authorization requests to non-Free Trade Agreement countries are in the public interest.” (*emphasis in original*).
3. On December 17, 2024, the Department of Energy released the document which is attached hereto as Exhibit B.

4. Exhibit B states, in relevant part, that “The U.S. Department of Energy (DOE) today released an updated study of U.S. liquefied natural gas (LNG) exports.”
5. On January 21, 2025, the Department of Energy released the document which is attached hereto as Exhibit C.
6. Exhibit C states, in relevant part, that the LNG pause has been rescinded and that the Trump Administration seeks to “unleash American Energy Dominance.”
7. Document 26 from Defendant’s Vaughn log was created, at latest, “in August 2023.” ECF No. 33-4 at 11.
8. Because the Department of Energy did not “initiate” what was eventually released as its December 17, 2024 study, Exhibit B, until January 26, 2024, Exhibit A, Document 26 cannot possibly be an “early draft” or “precursor draft” of the December 17, 2024 study.
9. Document 31 was similarly created in August 2023. ECF No. 33-4 at 13.
10. Document 34 was also created in August 2023. ECF No. 33-4 at 14-15.
11. Document 56 was created in September 2023. ECF No. 33-4 at 17-18.
12. Document 81 was created in October 2023. ECF No. 33-4 at 26.
13. Document 87 was created in August 2023. ECF No. 33-4 at 27-28.
14. Document 89 was created in August 2023. ECF No. 33-4 at 29.
15. Document 94 was created in September 2023. ECF No. 33-4 at 31.
16. Because all of the documents listed in ¶¶9-15, *supra*, were created before the Department of Energy even “initiated” on January 26, 2024 its nearly twelve-month review and process of updating its macroeconomic analysis of LNG exports that produced the December 17, 2024 study, none of the above documents were early

drafts, precursor drafts, or in any way part of the deliberative process of producing the December 17, 2024 study.

17. The Trump Administration has announced that it is scrapping the Biden Administration's LNG export pause, and extending the comment period for the public with reference to the December 17, 2024 LNG export study. Exhibit C.
18. Because the Trump Administration has jettisoned the Biden Administration's LNG "pause," and has extended the comment period relating to the Biden Administration's last-minute LNG export study, the risk of foreseeable harm or "public confusion" arising from release of records relating to an abandoned policy of a former administration is nonexistent or, at minimum, greatly diminished.

Respectfully submitted this the 22nd day of January, 2025

Government Accountability & Oversight

By Counsel:

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[Energy.gov](#) [DOE to Update Public Interest Analysis to Enhance National Security, Achieve Clean E...](#)

DOE to Update Public Interest Analysis to Enhance National Security, Achieve Clean Energy Goals and Continue Support for Global Allies

As Authorized by Federal Law, DOE Will Initiate a Process to Update Economic & Environmental Analyses Used to Review LNG Export

Applications to non-Free Trade Agreement Countries; Review Process Protects U.S. Consumers & the Nation's Economic Competitiveness

[Energy.gov](https://www.energy.gov)

January 26, 2024

 4 min

As Authorized by Federal Law, DOE Will Initiate a Process to Update Economic and Environmental Analyses Used to Review LNG Export Applications to non-Free Trade Agreement Countries; Review Process Protects U.S. Consumers and the Nation's Economic Competitiveness

WASHINGTON, D.C.— The United States Department of Energy (DOE) today provided notice that it will initiate a process to update the assessments used to inform whether additional liquefied natural gas (LNG) export authorization requests to non-Free Trade Agreement countries are in the public interest. The United States is the global leader in LNG exports with 14 billion cubic feet per day (Bcf/d) in current operating capacity and 48 Bcf/d in total authorizations approved by DOE to date, over three times our current export capacity. DOE has been given the responsibility by Congress to evaluate the public interest of proposed exports to countries with which the United States does not have a Free Trade Agreement. As the natural gas sector has transformed over the past decade, DOE must use the most complete, updated, and robust analysis possible on market, economic, national security, environmental considerations, including current authorized exports compared to domestic supply, energy security, greenhouse gas emissions including carbon dioxide and methane, and other factors. Today's action will begin an update of this analysis, and until updated, DOE will pause determinations on pending applications for export of LNG to non-Free Trade Agreement

countries.

"This administration is committed to the affordability of energy and economic opportunities for all Americans; strengthening energy security here in the US and with our allies; and protecting Americans against climate change and winning the clean energy future," said **U.S. Secretary of Energy Jennifer M. Granholm**. "This practical action will ensure that DOE remains a responsible actor using the most up-to-date economic and environmental analyses."

Consideration of these factors is not new: These are the same categories that DOE has considered when evaluating the public interest of LNG exports for more than a decade. But the data and global circumstances relevant to these factors has changed over time, and DOE must reflect these changes when applying the factors to a new public interest determination.

This temporary pause on pending applications will not affect already authorized exports, [which total 48 Bcf/d](#). It will also not impact our ability to supply our allies in Europe, Asia or other recipients of already authorized U.S. exports. Last year, over 60% of U.S. LNG exports went to Europe, and we have worked with European countries to successfully economize consumption and manage their storage to ensure that Russia cannot threaten their security of supply. Within this decade another 12 Bcf/d of U.S. export capacity already authorized and under construction will come online – enabling exports to nearly double and putting the US on track to exceed the export capacity of any other country by more than 50%, even taking into account planned global LNG expansion capacity.

This increased capacity has and will continue to support our European, Asian and other allies. Just as it has since 2022 when US LNG played a critical role in helping Europe backfill its lost gas supplies from Russia and reduce its energy dependence following Putin's invasion of Ukraine.

To ensure the Department is utilizing the most concrete and robust information, DOE will include the expertise of our national laboratories to help inform and conduct analysis for this update.

As the LNG market and related issues are dynamic—including economic, climate change, and global energy security considerations—DOE’s LNG program will continuously evaluate evolving national and energy security, economic, environmental, and other factors. The pause, which is subject to exception for unanticipated and immediate national security emergencies, will provide the time to integrate these critical considerations.

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[Energy.gov](#) [U.S. Department of Energy Completes LNG Study Update, Announces 60-Day Comm...](#)

U.S. Department of Energy Completes LNG Study Update, Announces 60-Day Comment Period

The U.S. Department of Energy Completed an Update of the Studies that Inform its Public Interest Determination for LNG Export Applications to non-Free Trade Agreement Countries, a Requirement Authorized by Federal Law.

[Energy.gov](https://www.energy.gov)

December 17, 2024

 4 min

Washington, D.C. – The U.S. Department of Energy (DOE) [today released an updated study](#) of U.S. liquefied natural gas (LNG) exports. DOE has been given the responsibility by Congress under the Natural Gas Act to evaluate the public interest of proposed exports to countries with which the United States does not have a Free Trade Agreement.

The study, released today, will have a 60-day comment period that will begin once published in the Federal Register. The public is encouraged to submit comments, which will inform how DOE may apply the study's findings to its public interest analysis of export applications going forward. This is consistent with DOE's past practice.

In addition to the study release today, and subsequent publication in the Federal Register, U.S. Energy Secretary Jennifer M. Granholm released a [Secretarial Statement](#) outlining departmental leadership's perspective on the final study. [FULL STATEMENT.](#)

Excerpts:

"The Natural Gas Act has given the U.S. Secretary of Energy the responsibility to evaluate whether authorizations for the export of liquefied natural gas to non-free-trade-agreement countries is consistent with the "public interest." [...] I want to take this opportunity to highlight five key findings and considerations that I think are especially relevant to help guide future Secretaries of Energy in making decisions about whether particular applications are in the public interest. Today's publication reinforces that a business-as-usual approach is neither sustainable nor advisable.

'DOE analysis exposes a triple-cost increase to U.S. consumers from increasing LNG exports – the increasing domestic price of the natural gas itself, increases in electricity prices (natural gas being a key input in many U.S. power markets), and the increased costs for consumers from the pass-through of higher costs to U.S. manufacturers.

'Special scrutiny needs to be applied toward very large LNG projects. An LNG project exporting 4 billion cubic feet per day – considering its direct life cycle emissions – would yield more annual greenhouse gas emissions by itself than 141 of the world's countries each did in 2023.

'...any sound and durable approach for considering additional authorizations should consider where those LNG exports are headed, and whether targeted guardrails may be utilized to protect the public interest.'... 'the demand for LNG in the People's Republic of China – already the world's largest importer – is expected to nearly double between now and 2030 and become the highest of any country by 2050. PRC entities have already signed several contracts with operating or proposed U.S. LNG projects.

'In the decade to come, we will see strong and mounting pressure within our democratic system to ensure that the United States uses its market position in a way that truly advances our national interest and energy security, which must include the needs of American workers, American families, and our responsibility to address the climate crisis. In our view, the question is not whether U.S. export policy will be forced to respond to those interests, but when and what that response is."

The U.S. liquefied natural gas export sector has experienced transformative and unprecedented growth in just a decade, with the first LNG exports from the lower-48 states commencing in 2016. DOE has authorized 48 billion cubic feet per day (Bcf/d) of natural gas for export, or nearly half of current domestic production.

Of this 48 Bcf/day in total authorized exports, 14 Bcf/d of associated capacity is now operating, making the U.S. the largest exporter of LNG in the world. Another 12 Bcf/d is under construction and expected to double present export volumes by 2030, at which time the U.S. will remain the top exporter, exceeding other countries by roughly 40 percent based on announced expansions. And a further 22 Bcf/d of capacity exports has been approved by DOE, but has not secured a final investment decision to begin construction.

Given these robust export commitments already made, and before considering additional applications that would take authorized U.S. natural gas exports beyond levels previously evaluated, DOE leadership recognized the need for a comprehensive update to ensure the most comprehensive and up-to-date analysis possible of market, economic, national security, and environmental considerations of different potential volumes of U.S. LNG exports.

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Background: [DOE LNG Snapshot Sep 30 2024.pdf](#)

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U.S. Department of Energy Reverses Biden LNG Pause, Restores Trump Energy Dominance Agenda

The U.S. Department of Energy, effective today, is ending the Liquefied Natural Gas pause, and returning to regular order.

[Energy.gov](#)

January 21, 2025



2 min

These Day One Actions will Return the Department to Regular Order.

WASHINGTON, D.C.—The U.S. Department of Energy (DOE), effective today, is ending the Liquefied Natural Gas (LNG) pause and returning to regular order following direction given by President Donald J. Trump to [“unleash American Energy Dominance.”](#) The Office of Fossil Energy and Carbon Management (FECM) is directed to resume consideration of pending applications to export American liquefied natural gas (LNG) to countries without a free trade agreement (FTA) with the United States in accordance with the Natural Gas Act. Proper consideration of LNG export applications is required by law and shall proceed accordingly.

Last month, the Department published a multi-volume analysis of selected issues concerning LNG exports and established February 18, 2025, as the deadline for public comments of the study. To ensure such public interest determinations receive appropriate stakeholder input, the Department is extending the comment period from February 18, 2025 to March 20, 2025.

Notwithstanding the goal of expeditious determinations, the importance of appropriate administrative records justifies an extension of the period for public comment.

Acting DOE Secretary Ingrid Kolb has directed the FECM to return to regular order and resume consideration of all applications. This process should occur simultaneously with the multi-agency NEPA review process to streamline and reduce inefficiencies in the regulatory process.

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