

**UNITED STATES OF AMERICA
BEFORE THE
DEPARTMENT OF COMMERCE**

Broadwater Energy LLC)
Broadwater Pipeline LLC)
 Appellants,)
))
 vs.)
))
New York State)
Department of State)
 Respondent.)

Case No. _____

MOTION FOR EXTENSION OF LENGTH OF PRINCIPAL AND REPLY BRIEFS

1. On June 6, 2008, Broadwater Energy LLC and Broadwater Pipeline LLC (collectively, “Broadwater”) filed a Notice of Appeal with the Secretary of Commerce pursuant to Section 307(c)(3)(A) of the federal Coastal Zone Management Act and the applicable regulations at 15 CFR Part 930, Subpart H – Appeal to the Secretary for Review Related to the Objectives of the Act and National Security Interests. Broadwater is appealing an objection (“Objection”) by the New York State Department of State (“NYSDOS”) to Broadwater’s consistency certification for its construction and operation of a liquefied natural gas import terminal (the “Project”) in Long Island Sound, New York. The NYSDOS Objection is seventy-three single-spaced pages in length and raises many discrete arguments.

2. In addition to its significant length, the NYSDOS Objection raises numerous issues with respect to alleged coastal effects of the Project. Every coastal effect identified and discussed in NYSDOS’s Objection must be addressed in-depth and analyzed in Broadwater’s principal brief. Broadwater’s analysis of these coastal effects will require extensive citations to

scientific and technical information from the underlying evidentiary record, which is over 41,000 pages long.

3. Moreover, NYSDOS's Objection includes a discussion of two separate alternatives. According to NYSDOS, these alternatives are consistent with the enforceable policies of the New York State Coastal Management Program ("NYSCMP") and accomplish the purposes and objectives of the Broadwater Project. Not only must Broadwater's principal brief analyze the consistency of the proposed alternatives with the NYSCMP and the capacity of these alternatives to achieve the purposes and objectives of the Project, but Broadwater must also discuss the extent to which the alternatives are available from a legal or engineering perspective and reasonable from a cost-benefit perspective. Broadwater's analysis of NYSDOS's proposed alternatives will require copious citations to the scientific and engineering data culled from the underlying evidentiary record.

4. Broadwater has concluded that it will be extremely difficult to provide the required level of comprehensive analysis of the foregoing topics if its principal brief is limited to the default thirty (30) double-spaced pages prescribed in 15 CFR § 930.127(b). Therefore, Broadwater submits that good cause exists for the Secretary to grant an extension to the length of Broadwater's principal brief pursuant to 15 CFR § 930.127(g).

5. Accordingly, Broadwater requests that the Secretary grant both Broadwater and NYSDOS principal brief extensions of an additional seventy (70) double-spaced pages, such that each party's principal brief shall not exceed one hundred (100) double-spaced pages. Broadwater also requests that the Secretary grant Broadwater a reply brief extension of an additional thirty-five (35) double-spaced pages, such that Broadwater's reply brief shall not exceed fifty (50) double spaced pages.

Dated: June 6, 2008

Respectfully submitted,



Robert J. Alessi
Dewey & LeBoeuf LLP
125 West 55th Street
New York, New York 10019
(212) 424-8515
ralessi@dl.com
James A. Thompson, Jr.
1101 New York Avenue, NW
Suite 1100
Washington, DC 20005-4213
(202) 346-8000
jthomps@dl.com

*Counsel to Broadwater Energy LLC and
Broadwater Pipeline LLC*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Extension of Length of Principal and Reply Brief was served this 6th day of June 2008, by first-class mail unless otherwise indicated, to the following persons at the addresses listed below.

Assistant General Counsel for Ocean Services
1305 East West Highway
Room 6111 SSMC4
Silver Spring, MD 20910
(By Hand)

Honorable Lorraine Cortes-Vazquez
Secretary of State
State of New York Department of State
99 Washington Avenue
Albany, NY 12231-0001

Susan Watson
General Counsel
State of New York Department of State
99 Washington Avenue
Albany, NY 12231-0001



Brett A. Snyder
Dewey & LeBoeuf LLP
1101 New York Avenue NW, Suite 1100
Washington, DC 20005-4213