

**Kellie Martinec**

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**From:** rrcwebcontact@gmail.com  
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**Subject:** Comment Form for Proposed Rulemakings



## Comments Form for Proposed Rulemakings

### Date Submitted

Sunday, August 17, 2014 5:30:37 PM

### Submitted By

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### §3.70: Amend T-4 pipeline permit procedures

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By its own admission, the Texas Railroad Commission has no statutory authority to confer common carrier status for pipelines. The proposed amendments seem to simply prescribe an elaborate procedure by which a pipeline operator is to identify itself as a common carrier through unspecified sworn documentation as to how they are complying with State law.

I am concerned that these rule changes will mislead the public into thinking that the Railroad Commission is addressing valid property rights concerns, when in reality these rules do no such thing. The proposed rules appear to simply require additional red tape without addressing the fundamental underlying issues around common carrier condemnation ... issues that rightfully must be addressed by the Texas Legislature.

I recommend that following changes be made to the proposed rules:

- Require a simple sworn statement from the pipeline applicant attesting that it complies with applicable State law regarding its classification.

- Require annual reporting of the fraction of common carrier pipeline throughput that was third-party product.
- Specify that an improper statement of classification or annual reporting requirements will initiate a due-process hearing that could result in the pipeline's permit being revoked. (This action may require Legislative action.)

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