

Kellie Martinec

From: Liz Wally <[REDACTED]>
Sent: Monday, August 25, 2014 9:27 AM
To: rulescoordinator
Subject: Gas Utility Docket 10366 and Amendment to 16 TAC 3.70

To the Commissioners:

I have been very concerned about the issue of eminent domain and have had some experience of dealing with the issues of pipelines on private land as we dealt with the issue of gas drilling while I was on the Dallas Plan Commission. The Railroad Commission has enormous power over the lives of the citizens of Texas and it is important that you are reviewing your regulations at this point.

I know you are hearing from a number of people, and have signed a petition myself already, but remember that, as a plan commissioner, the comments that stood out were personal and either very technical or clear and to the point.

I hope mine will be the latter.

a.. There is nothing so dangerous as vague language - as regulators, you know that, and Rule 3.70 is just that. A "late night curfew" does not tell your teenager anything and will only cause family problems. Well, as all know that corporations are just like teenagers—they push the limits set by the parents. It is your job to make sure the limits are firm and clear. It is your job to protect the citizens of Texas, as you would your teenager, but the regulations you set. Simple and clear. It help you, the applicants, and those being impacted. If there is to be an exception, spell out the steps or circumstances - you know, "If the dance doesn't end until midnight, your curfew time, and your date lives 30 minutes from here, then for this night ONLY, you may come in no later than 1:15am. If there is an emergency, call/text immediately."

b. Your public notice procedure, as you know, needs to be brought up to the standards used by most other agencies. Right now, it looks like you are trying to get away from letting the public know what you are doing. On zoning issues, this was a major point. If the applicant had not properly let the neighbors know about their plans, over and above our city's notices, then they could expect to have their cases delayed at best or denied if there was strong opposition.

c. What exactly is a "common carrier"? Just anything where someone has checked that box? Come on, spell it out.

d. Wearing another hat, that of trying to divorce public officials from even the appearance of impropriety as concerns campaign funding, I have suggested before and will again that you use SOAH to handle permit reviews/disputes. This protects you and adds confidence in the process for both parties. If it is assumed that you can be "bought" it reassures neither side. Some landowners have a lot of money, too. Your donors are public information, as it should be. But all the more reason you should have an independent group settle disputes.

e. I probably have misread the information I sought to write to you, but are you not charging the applicants for their applications? Or maybe you are not charging enough. It is just a line item for the corporation that would include in their financial projections, but to the state, and us the taxpayers, it is the difference between light to no enforcement and actual consequences for not conforming to the regulations. like with the teenager analogy, if they know the parent won't actually ground them or take away privileges, the rules are impotent.

Thanks for listening.

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