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From: Laura Blackburn <[REDACTED]>
Sent: Monday, August 25, 2014 4:52 PM
To: rulescoordinator
Subject: Statement to "Gas Utility Docket 10366" "Amendment to 16 TAC 3.70"



**LEAGUE OF WOMEN VOTERS®
OF TEXAS**

August 25, 2014

The Texas Railroad Commission

1701 N. Congress
Austin, Texas 78701

Statement to "Gas Utility Docket 10366"

"Amendment to 16 TAC 3.70"

The League of Women Voters of Texas supports the effort of the Texas Railroad Commission (RRC) to define the "common carrier" in Texas with the proposed amendment to Rule 3.70. The rules, however, are inadequate and too vague.

1. AMENDMENTS ARE TOO VAGUE per the RRC Memo to the Commission:

- **p. 1, Line 20** indicates that the RRC will ask for *certain additional information*, but there is no description of what that "certain additional information" would be within this amendment.

- **p. 1, Line 23** refers to *any other information* the Commission may also request. There is no specific listing within the text of what that additional information is that the RRC may request. More information will be helpful to ensure oversight.

- **p. 2, Line 8** indicates the RRC will conduct *its own review* of the applicant. The statement needs to be clarified with a description of what the review will entail. The RRC staff will need to verify accuracy filed by the company. Verification needs to be made that the applicant is a "pipeline for hire" or "for the public good" as required by law to be a common carrier. Additional funding is needed to hire the qualified staff to review applications. All information should be made public. More specifics are needed in the form and not have check boxes.
2. **THERE ARE NO STANDARDS FOR COMMON CARRIER** indicated in the proposed amendment. Nothing in the amendment indicates specific criteria an applicant has to meet other than the basics of a contact, address, etc. which does not protect public health or the environment. The amendment needs to list factors or incidents that are cause for revocation of a permit.
 3. **A PROCESS FOR PUBLIC NOTICE** for a common carrier should be clearly stated in the proposed amendment. A more "balanced" approach would be a similar procedure used by the Public Utility Commission or the TCEQ permits/notice procedures. There should be consistency to avoid confusion and ensure that Texans are treated fairly. There should be a 30-day first notice of the application and the applicant should be required to provide a route. All landowners, municipalities, and county officials within a minimum 2-mile distance of the pipeline should receive MAILED notice (not electronic message due to lack of good internet service in rural areas) of the application. There should be a 2nd notice with a 30-60 day window when an application is considered "complete" via newspaper with a mailing to "affected" parties for a public hearing re: the common carrier permit. There should be a mechanism for landowners to gain standing if the common carrier permit is contested.
 4. **THE PERMIT REVIEW AND APPROVAL SHOULD BE A PUBLIC PROCESS.** On page 2, Line 19, the RRC states it can "administratively issue pipeline permits." The result would be that the RRC is creating a closed process which indicates no involvement for an "independent" review if a common carrier permit application is challenged or from the public who are affected. No contributions should be allowed from pipeline companies to allow for an independent review at the State Office of Administrative Hearings or SOAH. The RRC Commissioners receive contributions for their elections by some of the applicants who have applied and will continue to seek a "common carrier" permit. An independent SOAH review gives the public a more balanced and trusted process. Campaign contributions may not be intended to be a bribe, but it appears to be a bribe.
 5. **FEES SHOULD BE ASSESSED FROM THE PERMIT HOLDER** to ensure that staff time and resources are compensated to thoroughly review, investigate, and validate applications. A fee should also be assessed upon renewal or the amendment of a common carrier permit to ensure staff time is covered and the state's natural resources and landowners are protected.
 6. **THE RRC SHOULD REQUEST AUTHORITY TO MONITOR INTERSTATE PIPELINES.** Four other states have jurisdiction over interstate pipelines to ensure the safety of their state and residents. The permitting process is designed to ensure safety so every effort with oversight and monitoring helps build

protection. Too many pipeline accidents with hazardous materials have occurred that have created costly losses.

We appreciate your consideration of our comments.

Sincerely,



Elaine M. Wiant

President

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