

Kellie Martinec

From: Martha Eberle <[REDACTED]>
Sent: Thursday, October 02, 2014 1:04 AM
To: rulescoordinator; info@independentleaguetx.org
Subject: Railroad Commission Rules Related to Common Carrier Permits, Docket #10366

Dear Commissioners Craddick, Porter and Smitherman

I appreciate the Commission's attempts to develop rules for granting common carrier status to pipeline companies. Because common carrier status in turn authorizes companies to greatly affect private property rights through the exercise of eminent domain, the rules should be explicit, comprehensive and capable of being enforced. However, I think the draft rules do not go far enough and need to be strengthened.

The draft rules should be clarified to:

1. Establish standards for proof that the applicant is in fact a common carrier, before the right to use eminent domain to seize private property is granted.
2. Establish standards for revocation of common carrier status.
3. Provide neighbors notice of application since many of the parties affected by pipeline construction and threatened by leaks of toxic materials are tenants or neighbors and not landowners over whom the pipeline passes.
4. Require public comments to be considered and responded to prior to issuance of the permit.
5. Require regional or county public hearings and comment periods similar to PUC process.
6. Assure that landowners and other affected parties may request hearings on the pipelines before the State Office of Administrative Hearings, in order to address their concerns before litigation is required.
7. Assess applicants a fee to assure that staff resources are available to thoroughly review applications and to rigorously enforce these rules.

Thank you for your consideration.

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Martha Eberle
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