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Congress of the United States
House of Representatives
Washington, DC 20515-4323

June 9, 2015

Norman Bay
Chairman
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Re: Trans-Pecos Pipeline, LLC
Presidio Crossing Project
FERC Docket No. CP15- -000

Dear Chairman Bay:

I represent the 23rd Congressional District of Texas, which stretches across the southwest portion of Texas from San Antonio to El Paso. The proposed Trans-Pecos Pipeline (“TPP”) being developed by Energy Transfer Partners (“ETP”) would be the first natural gas pipeline project to cut through parts of the 23rd District, like the communities of Greater Alpine and Greater Marfa, on its way to the U.S.-Mexico border. This region, known as “The Last Frontier” is widely regarded as a Texas treasure – home to the McDonald Observatory, Big Bend National Park and numerous State Parks. I understand the importance of infrastructure projects to our energy security, but also recognize the need for federal agencies to fulfill their regulatory obligations in an efficient, thorough and thoughtful manner.

As you are aware, ETP has petitioned FERC for a Presidential Permit to import and export natural gas across the U.S.-Mexico border near the City of Presidio. Before issuing a Presidential Permit, FERC has an obligation to determine that the proposal is in the public interest. Given serious concerns about the proposed Pipeline that have been raised by my constituents, I believe it is appropriate and necessary for FERC to thoroughly review ETP’s assertion that the proposed Pipeline is in the public interest before making its final determination.

To help address the legitimate and thoughtful concerns presented by my constituents, I submitted a series of questions to ETP about the extent to which ETP intended to take health, safety and environmental factors into account as they determined the TPP route. In reply, I received cursory responses and I am concerned that my constituents are not being treated in an open, transparent and respectful manner. Please assist my constituents by answering the following questions:

1. ETP claims that the TPP should be classified as an “intrastate” pipeline subject to regulation by the Texas Railroad Commission (RRC). It is my understanding that there is significant controversy over whether the joining of interstate and intrastate pipelines falls

under state or federal jurisdiction. ETP confirmed in its Presidential Permit application that the proposed Pipeline will carry some gas not sourced from Texas. Since the Waha hub connects both types of pipelines, I am interested in any clarity FERC can provide regarding how “intrastate” and “interstate” natural gas pipeline determinations are made. I request that FERC take a close look at assigning the proper classification to the proposed Pipeline.

2. In 2013, the U.S. Government Accountability Office warned that the public may face great difficulty if pipeline developers utilize processes that “are not transparent” or if the public is denied adequate information “about pipelines until after they have been approved.”¹ Does FERC agree with that assessment? If a pipeline developer fails to act in a transparent and open way with the public, is that developer departing from the norms FERC expects? Does a lack of transparency make it more difficult for FERC to assess public interest?

The oil and gas industry is of critical importance to Texas, and building and properly maintaining the infrastructure that supports this industry is paramount. However, infrastructure projects must appropriately address the questions and concerns of affected communities and stakeholders. FERC should ensure the process surrounding consideration of the proposed Pipeline is open and fair before making a determination about whether the proposed project furthers the public interest.

Sincerely,



Will Hurd
Member of Congress

cc: Kimberly Bose

¹ <http://www.gao.gov/assets/660/652225.pdf>