

**FEDERAL ENERGY REGULATORY COMMISSION**  
WASHINGTON, DC 20426

**ASSOCIATED  
PUBLIC FILE**

July 21, 2015

**OFFICE OF THE CHAIRMAN**

The Honorable Will Hurd  
U.S. House of Representatives  
Washington, DC 20515

Dear Congressman Hurd:

Thank you for your June 9, 2015, letter regarding the application filed by Trans-Pecos requesting authorization for the siting, construction, and operation of natural gas export facilities at the international border between the United States and Mexico near the city of Presidio, in Presidio County, Texas (Docket No. CP15-500-000).

FERC is the federal agency responsible for evaluating applications for authorization under Section 3 of the Natural Gas Act for natural gas import and export facilities and the Presidential Permits which are necessary pursuant to Executive Order 10485 when export/import facilities are to be constructed at international borders. In its application for these authorizations to construct pipeline facilities at the Mexican border, Trans-Pecos states that the principal use of the facilities will be to export natural gas for use as fuel in electric generation plants and by potential industrial customers in northern Mexico.

On June 9, 2015, the Commission issued a notice of Trans-Pecos's application for its proposed border-crossing export facilities. This initial notice identified multiple avenues for stakeholders to become involved in the Commission's review of the project as a party to the proceeding or by filing comments directly with the Commission either electronically or in written form. Since issuance of this notice, the Commission has received over 100 comment letters identifying concerns regarding the 143 miles of upstream pipeline that Trans-Pecos is planning to construct and operate in Texas as a FERC non-jurisdictional intrastate pipeline. Many commenters, including the Brewster County Commissioners Court, have requested that the FERC assert jurisdiction over the upstream pipeline that Trans-Pecos is planning to construct and operate under the jurisdiction of the Railroad Commission of Texas.

Trans-Pecos states that, although it may seek the FERC's authorization in the future to transport interstate gas supplies on its pipeline, the pipeline will only be transporting gas produced in Texas when it is placed in service and therefore construction and operation of the pipeline will be subject to the jurisdiction of the Railroad Commission of Texas. However, in view of the commenters' concerns, FERC staff is seeking additional information necessary to confirm that the Trans-Pecos pipeline will be a non-jurisdictional intrastate pipeline.

In any event, as part of our obligation under the National Environmental Policy Act (NEPA), Commission staff will require Trans-Pecos to provide information regarding the environmental impacts of the planned upstream pipeline facilities to include in the cumulative

impacts analysis. This will be part of the environmental assessment prepared for the proposed border-crossing export facilities, which will be issued for public comment.

FERC is fully committed to promoting transparency in Commission proceedings regarding pipeline companies' proposed construction projects. Transparency, open communication and a high degree of ethical standards are necessary to maintaining public trust and facilitating understanding of Commission activities.

I hope this information has been helpful. If I can be of any further assistance in this or any other Commission matter, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Norman C. Bay" followed by a checkmark.

Norman C. Bay  
Chairman

Document Content(s)

13938273.tif.....1-2