

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 18, 2008

To: Persons on the Attached Mailing List (by mail and facsimile as indicated)

Re: Appeals of the Executive Director's Use Determinations assigned numbers 06-11006, 06-11009, and 06-11021 regarding Energy Transfer Fuel; TCEQ Docket Nos. 2007-0903-MIS-U, 2007-0963-MIS-U, and 2007-0911-MIS-U.

This letter is to notify you that the Texas Commission on Environmental Quality (TCEQ or Commission) will consider the above-described appeals and all related filings during the Commission's public meeting scheduled to begin at **9:30 A.M. on Wednesday, April 2, 2008**.

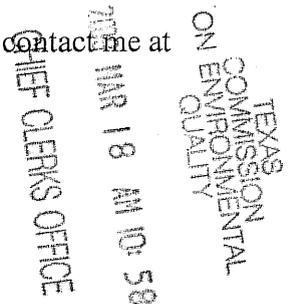
During the public meeting, the Chief Appraisers or their representative may speak first and save part of their time for rebuttal since the Chief Appraisers have filed the appeals at issue here. The Chief Appraisers (or their representative) have eight minutes for their oral presentations, including the time for rebuttal argument. If the Chief Appraisers as well as their representative decide to address the Commission, the eight minutes is to be divided among themselves as they choose. The Applicant (or its representative) may speak next, followed by the Executive Director (or his representative), and thereafter, the Office of Public Interest Counsel. The Applicant, the Executive Director, and the Office of Public Interest Counsel each have a total time of five minutes for their oral presentations.

If you have any questions about the public meeting or related matters, please contact me at 512-239-6575.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Sedberry".

John Sedberry
Assistant General Counsel



Mailing List

Mailing List
Energy Transfer Fuel

TCEQ Docket Nos. 2007-0930-MIS-U, 2007-0963-MIS-U, and 2007-0911-MIS-U

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Larry R. Soward, *Commissioner*
H. S. Buddy Garcia, *Commissioner*
Glenn Shankle, *Executive Director*



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QUALITY

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

CHIEF CLERKS OFFICE

August 23, 2007

To: Persons on the Attached Mailing List (by mail and facsimile as indicated)

Re: Appeal of the Executive Director's Use Determinations assigned numbers 06-11006, 06-11009, and 06-11021 regarding Energy Transfer Fuel; TCEQ Docket Nos. 2007-0903-MIS-U, 2007-0963-MIS-U, and 2007-0911-MIS-U.

The above-referenced appeals (Appeals) were filed by the Chief Appraisers of the Freestone Central Appraisal District and the Rusk County Appraisal District. The Chief Appraiser of the Rusk County Appraisal District is Terry W. Decker and the Chief Appraiser for the Freestone Central Appraisal District is Bud Black. Mr. Decker and Mr. Black explain that it is the Districts' position that some, if not most, of the equipment mentioned in the dialectic coatings and pig launching/receiving equipment is production equipment that does not qualify for a property tax exemption as pollution control property.

This letter is to notify the Applicant, Energy Transfer Fuel, the Executive Director, and the Office of Public Interest Counsel (OPIC) of the opportunity to file a response brief on the three appeals, and to notify the two Chief Appraisers of the opportunity to file reply briefs to any response briefs. A copy of the Appeals, if needed, may be obtained by contacting the Agenda Docket Clerk, Office of Chief Clerk (OCC), by either calling 512-239-3300, or writing the Agenda Docket Clerk, at TCEQ Office of Chief Clerk MC 105, P.O. Box 13087, Austin, Texas 78711-3087. Since the Commissioners must base their decision on the applicable law, we request all response and reply briefs refer to the applicable statute(s) or agency rules that support the position taken in the legal response or reply brief. All legal briefs thus should provide in full the legal and factual reasoning relied upon to support the position that a partial or full exemption is or is not available.

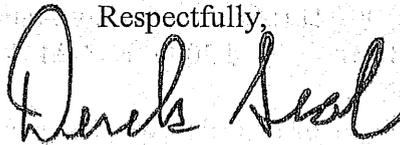
The Applicant or its representative, the Executive Director, or the OPIC may file a response brief on or before **5:00 P.M. on Friday, October 5, 2007**. The Chief Appraisers or their representatives may file reply briefs to any responses on or before **5:00 P.M. on Friday, October 26, 2007**. To be considered timely, an original and eleven copies of any response or reply brief must be received in the OCC on or before the applicable 5:00 P.M. deadline. All responses and replies filed with the OCC should be addressed to the attention of the Agenda Docket Clerk and be marked with the TCEQ Docket number provided above.

On the same day as a response or reply brief is mailed to the OCC, the responding party must mail a copy of their brief to the other parties involved in briefing this matter. The enclosed mailing list has the mailing addresses of the Applicant, the Chief Clerk, the Executive Director (Les Trobman), and the OPIC (Blass Coy). Please provide Ronald L. Hatlett a copy of any response and reply brief as well. After receipt of the briefs, you will be notified by subsequent letter of the public meeting during which the TCEQ Commissioners will consider this matter.

Chapter 17 of the Commission's rules (30 Texas Administrative Code Chapter 17) contains the requirements applicable to Use Determinations, including the rules that address the review standards and appeals process. The website of the Texas Secretary of State contains a complete copy of the Texas Administrative Code, including Title 30, Chapter 17, at [http://info.sos.state.tx.us/pls/pub/readtac\\$ext.viewtac](http://info.sos.state.tx.us/pls/pub/readtac$ext.viewtac).

If you have any questions about the briefing schedule or related matters, please contact Celeste A. Baker, Assistant General Counsel, at 512/239-5527.

Respectfully,



Derek Seal
General Counsel

Mailing List

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Mailing List
Energy Transfer Fuel

TCEQ Docket Nos. 2007-0930-MIS-U, 2007-0963-MIS-U, and 2007-0911-MIS-U

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