

Bryan W. Shaw, Ph.D., *Chairman*  
Buddy Garcia, *Commissioner*  
Carlos Rubinstein, *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

June 24, 2011

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

Re: Appeal of the Executive Director's Use Determination regarding Williams Field Services-Gulf Coast Company's Use Determination Application No. 14534, TCEQ Docket No. 2011-0996-MIS-U

The above-referenced appeal (Appeal) was filed by Williams Field Services-Gulf Coast Company (Williams or Appellant). Appellant requests Commission consideration of the Executive Director's negative use determination for Use Determination Application No. 14534 regarding equipment at Appellant's Markham Gas-Processing Facility. As is our general practice with regard to Use Determination appeals, this office is requesting the filing of legal briefs or responses to the Appeal by the Executive Director, the Office of Public Interest Counsel, and the Chief Appraiser for the Appraisal District for the county where the subject equipment is located; and the subsequent filing of a legal reply to the responses by the Appellant. The briefs should contain a full discussion of the parties' legal and factual reasons for their positions.

The Executive Director's use determination for Application No. 14534 was issued on May 16, 2011. Our records indicate that Appellant mailed the appeal on June 14, 2011, the appeal was received by the TCEQ Revenue Section on June 15, 2011, and was filed with the TCEQ Chief Clerk on June 20, 2011. Tex. Administrative Code § 17.25(b) states that "[a]n appeal must be in writing and must be filed by the United State mail, facsimile, or hand delivery with the chief clerk of the Commission within 20 days after the receipt of the executive director's determination letter. A person is presumed to have been notified on the third regular business day after the date the notice of the executive director's action is mailed by first class mail. If an appeal meeting the requirements of this subsection is not filed within the time period specified, the executive director's use determination is final."

As is our general practice with regard to Use Determination appeals, this office is requesting the filing of legal briefs, in the manner discussed below, by the Executive Director, the Office of Public Interest counsel, the Chief Appraiser for the Matagorda County Appraisal District, and Appellant. The briefs should contain a full discussion of the parties' legal and factual reasons for their position on the timeliness of the Appeal and the merits of the use determination.

This letter is to notify the Chief Appraiser for the Matagorda County Appraisal District, the Executive Director, and the Office of Public Interest Counsel that they may file a response brief in the Commission's Office of Chief Clerk (OCC) on or before **5:00 P.M. on Tuesday, July 12, 2011**. The Appellant may file a reply brief to the response briefs on or before **5:00 P.M. on Thursday, July 21, 2011**. To be considered timely, an original and seven copies of any response or reply brief must be received in the OCC on or before the applicable 5:00 P.M. deadline. All briefs filed with the OCC should also be addressed to the attention of the Agenda Docket Clerk and be marked with the TCEQ Docket number provided above. All responses and replies must be filed with the Chief Clerk of the TCEQ. Responses and replies may be filed with the Chief Clerk electronically at <http://www10.tceq.state.tx.us/epic/efilings/> or by filing an original and 7 copies with the Chief Clerk of the TCEQ. All response and reply briefs should also be mailed to all other persons on the attached mailing list on the same day mailed or filed in the OCC. You will be notified by subsequent letter of the Commission meeting during which the 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 appeal process. The website of the Texas Secretary of State (<http://www.sos.state.tx.us/tac/index.shtml>) contains a complete copy of the Texas Administrative Code, including Chapter 17 of Title 30.

If you have any questions about the briefing schedule or related matters, please contact Barham A. Richard, Assistant General Counsel, at 512-239-0107.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Les Trobman". The signature is fluid and cursive, with a large initial "L" and a long, sweeping tail.

Les Trobman  
General Counsel

Mailing List

Mailing List  
Williams Field Services-Gulf Coast Company  
TCEQ Docket No. 2011-0996-MIS-U

Gregory Maxim, Director  
Specialty Tax  
Duff & Phelps, LLC  
919 Congress Avenue, Suite 1450  
Austin, Texas 78701  
512/671-5500 FAX 512/671-5501

Vince Maloney  
Chief Appraiser  
Matagorda County Appraisal District  
2225 Avenue G  
Bay City, Texas 77414-5018  
979/244-2031 FAX 979/244-4254

Susana M. Hildebrand, P.E.  
TCEQ Chief Engineer's Office MC 168  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-4900 FAX 512/239-6188

Chance Goodin  
TCEQ Chief Engineer's Office MC 168  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-6335 FAX 512/239-6188

Minor Hibbs  
TCEQ Chief Engineer's Office MC 168  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-1795 FAX 512/239-1794

Tim Reidy  
Robert Martinez  
TCEQ Environmental Law Division MC 173  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-0600 FAX 512/239-0606

Blas Coy  
TCEQ Office of Public Interest Counsel MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-6363 FAX 512/239-6377

Docket Clerk  
TCEQ Office of Chief Clerk MC 105  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-3300 FAX 512/239-3311

Bridget Bohac  
TCEQ Office of Public Assistance MC 108  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-4000 FAX 512/239-4007

Kyle Lucas  
TCEQ Alternative Dispute  
Resolution Program MC 222  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-0687 FAX 512/239-4015