

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 19, 2016

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

Re: Appeals of Use Determination Application Nos. 19538, 19543, 19551, and 19575, DCP Southern Hills Pipeline, LLC; TCEQ Docket Nos. 2016-0055-MIS-U, 2016-0056-MIS-U, 2016-0058-MIS-U, and 2016-0057-MIS-U.

The above-referenced appeals (Appeals) were filed by the Wise County Appraisal District (Appellant). The Appellant requests Commission consideration of the Executive Director's 100% positive use determinations issued to DCP Southern Hills Pipeline, LLC (Applicant) for the above-referenced applications. The Executive Director's use determinations were issued on December 23, 2015. Our records indicate that the Appeals were filed with the Commission's Office of the Chief Clerk (OCC) on January 12, 2015. As is our general practice with regard to use determination appeals, this office is requesting the filing of legal briefs or responses to the Appeals by the Applicant, the Executive Director, and the Office of Public Interest Counsel; 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.

This letter is to notify the Applicant, the Executive Director, and the Office of Public Interest Counsel that they may file a response brief in the OCC on or before **5:00 P.M. on February 4, 2016**. The Appellant may file a reply brief to the response briefs on or before **5:00 P.M. on February 16, 2016**. 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://www14.tceq.texas.gov/epic/eFiling/> *or* by filing an original and seven 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 Tim Reidy, Assistant General Counsel, at 512-239-0969.

Respectfully,

A handwritten signature in black ink, appearing to read "Tucker Royall".

Tucker Royall  
General Counsel

Mailing List

Mailing List  
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