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2016 JUN 28 PM 4:39

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Of Counsel:  
Richard Lowerre

Mr. Tucker Royall  
General Counsel  
Mail Code 101  
Texas Commission on Environmental Quality  
P.O. Box 13087  
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June 28, 2016

Via: facsimile (512) 239-5533  
email ([tucker.royall@tceq.texas.gov](mailto:tucker.royall@tceq.texas.gov))

Regarding: July 6<sup>th</sup> Commissioners' docket; Application of Dos Republicas Coal Partnership ...; Docket No. 2015-0068-IWD

Dear Tucker:

I write to ask that you create short additional time slots for *pro se* protestants in the above-referenced docket.

The Chief Clerk's letter noticing this matter for the consideration of the Commissioners July 6, 2016, relayed to the parties your time allocations for their times for comments to the Commissioners. You allocated 10 minutes to all the protestants. There are 17 protestants. Eleven (11) protestants were represented at SOAH by counsel; the represented protestants were (a) the "EDF Group," which consists of 10 parties, including the City of Eagle Pass, and (b) Maverick County. Only the 11 represented parties participated in the SOAH hearing or submitted arguments to the ALJs.

I have today learned that at least two *pro se* protestants, Mr. Luis Martinez and Mr. Jose Casares, plan to attend the July 6<sup>th</sup> Commission meeting and would like to address the Commissioners. I do not know what the issues may be that Mr. Martinez and Mr. Casares want to address, but I do know that the EDF Group and my client, the County, have three issues with real merit that the Commissioners in all probability will want at least to hear succinctly laid out. (One of those is the "antidegradation" issue, which has several facets and might be considered to be two, rather than just one, issue.) And, I know that 10 minutes is meager time for two lawyers to address at least three substantive issues and make any responses that may be justified to the Applicant's comments.

Frederick to Royall

June 28, 2016

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So, given the circumstances, could you expand the time allocated to protestants by two minutes (or some other amount you determine is appropriate) for each *pro se* protestant who actually shows up and asks to address the Commissioners?

Thank you.

Sincerely,



David Frederick

xc by email or U.S. mail:

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Of Counsel:  
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## FAX COVER SHEET

**Date:** June 28, 2016

**To:** 512-239-3311  
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**Attn:** Bridget Bohac, Chief Clerk  
Tucker Royall, General Counsel

**From:** David Frederick

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QUALITY

DOCUMENTS RE: Docket No. 2015-0068-IWD	NUMBER OF PAGES (not including cover page)
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