CLARIFICATION OF AMICUS BRIEF

The State of Louisiana, through the Louisiana Department of Justice, filed an amicus brief in the pending appeal of *ETC Tiger Pipeline, LLC v. DT Midstream, Inc. et al*, No. 55,534 (La. App. 2nd Cir. 2023). In addition to this case we understand that several other suits have been filed concerning pipeline crossing disputes in Caddo and DeSoto Parish.[[1]](#footnote-1) It has been reported that the positions in the State’s brief have been cited in various forums in a manner not intended by the State of Louisiana. While the State consistently supports the growth of natural gas pipeline infrastructure in Louisiana, the State’s brief speaks for itself and should not be read to mean support for or against other arguments between the parties to this or other litigation. LDENR’s failure to file an amicus brief or to otherwise weigh in on this litigation should not be interpreted as being against the State’s brief or in favor or opposition to any particular party. Consistent with its role as regulator and its history of avoiding involvement in private disputes over private contractual provisions governing private property rights, LDENR does not here take a position on the conflicting interpretations of the property rights created by the private contracts involved. LDENR does take seriously its role as regulator to enforce PHMSA’s intrastate pipeline safety requirements under the Natural Gas Pipeline Safety Act of 1968, as amended, and its authority under the Natural Resources and Energy Act of 1973 (NREA) as it relates to intrastate pipelines and natural gas supply. Should LDENR determine that litigation impacts a matter under LDENR’s authority which merits it taking a stated position it will do so in that litigation. Therefore LDENR wishes to reiterate that positions taken by private parties in the ongoing litigation in the above referenced matters, or any other cases for that matter, should not be construed by the parties or the courts as the position of the department as it relates to its authorities for pipeline safety or under NREA.

1. *ETC Tiger Pipeline, LLC v. La. Energy Gateway, LLC*, No. 645193, 1st JDC, Caddo Parish, Louisiana; *ETC Tiger Pipeline, LLC v. La. Energy Gateway LLC,* No. 84242, 42nd JDC, DeSoto Parish, Louisiana; *La. Energy Gateway LLC v. Enable Midstream Partners, LP*, No. 84203, 42nd JDC, DeSoto Parish, Louisiana. [↑](#footnote-ref-1)