

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-4605

February 5, 2020

The Honorable Bobby L. Rush  
Chair, Energy Subcommittee  
House Committee on Energy and Commerce  
2125 Rayburn House Office Building  
Washington, D.C. 20515

The Honorable Fred Upton  
Ranking Member, Energy Subcommittee  
House Committee on Energy and Commerce  
2322 Rayburn House Office Building  
Washington, D.C. 20515

Dear Chairman Rush and Ranking Member Upton,

I write today regarding the upcoming hearing on February 5, 2020, the Subcommittee on Energy of the Committee on Energy and Commerce will hold titled, "Modernizing the Natural Gas Act to Ensure it Works for Everyone." I commend the subcommittee for holding this important hearing to provide oversight of the Natural Gas Act and the Federal Energy Regulatory Commission (FERC).

The Takings Clause of the Fifth Amendment provides that private property may not be acquired for "public use" without "just compensation." Implicit in the Takings Clause is that the federal government possesses the power to take private property for public use through the exercise of eminent domain so long as the property owner receives "just compensation." Unfortunately, this framework for balancing government interests against private property ownership is not being followed by FERC.

The Natural Gas Act was originally drafted in 1938 and although it has been amended in subsequent years, it struggles to adequately address landowner's private property rights. One example of this is the current landowner notice process. The current notice requirements do not provide sufficient notice to landowners that landowners must intervene in certificate proceedings to preserve their right to any administrative or judicial review. The intervention windows are also arbitrarily brief (as little as 13 days), and the information provided about the requirements to intervene is inconsistent and confusing. The result is that landowners do not understand how, why, or when to intervene, and they often lose the opportunity to do so. Implementing a notice process that addresses these issues is a simple step that would preserve landowner rights without undue burden to FERC.

In my view, property rights are one of the most important rights we have in the United States. The freedom to own private property is a fundamental aspect of the American experience and I have always considered it an integral piece of what makes our nation great.

I encourage the subcommittee to examine ways to increase protections for landowner's private property rights within the Natural Gas Act.

Thank you again for your leadership on this important issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Denver", with a long, sweeping horizontal stroke extending to the right.

Denver Riggleman

Member of Congress