

# centerforconstitutionalrights

December 6, 2017

Via Federal Express

Bayou Bridge Pipeline, LLC  
8111 Westchester Drive, Suite 600  
Dallas, TX 752225

Energy Transfer Partners  
8111 Westchester Drive, Suite 600  
Dallas, TX 75225

Corporation Service Company  
Registered Agent for Bayou Bridge Pipeline, LLC  
and Energy Transfer Partners, LLC  
504 Louisiana Avenue  
Baton Rouge, LA 70802

Re: Public Records Request

To Whom It May Concern:

On behalf of Atchafalaya Basinkeeper, Bold Louisiana, Louisiana Bucket Brigade, and 350 New Orleans, we request that you produce copies of any and all public records, as described below, related to the proposed Bayou Bridge Pipeline, described as a joint venture between ETP and Phillips 66 Partners, LP, pursuant to the Louisiana Public Records Law, R.S. § 44:1 *et seq.*<sup>1</sup>

Your company has claimed authority to expropriate private property in Louisiana pursuant to “common carrier” status under La. R.S. § 45:251(1). Such designation and authority places your company under the control of, and subject to, regulation by the Louisiana Public Service Commission pursuant to La. R.S. § 45:252, and, functioning as an instrumentality of the government, subject to the Louisiana Public Records Act.

This request includes, but is not limited to:

- all records relating to acquiring of easements or rights of way through, or expropriation of, private property in connection with the proposed Bayou Bridge Pipeline (“the proposed pipeline”);

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<sup>1</sup> See [http://energytransfer.com/ops\\_bayou\\_bridge.aspx](http://energytransfer.com/ops_bayou_bridge.aspx); See also, *New Orleans Bulldog Soc’y v. La. SPCA*, 222 So. 3d 679, 685 (La. 2017) (private non-profit corporation subject to Public Records law when functioning as an instrumentality of a municipal corporation).

- all records relating to communications with local, parish, state, and federal agencies and/or officials, including law enforcement agencies and regulatory or permitting agencies, concerning the proposed pipeline, including opposition thereto;
- all records relating to public opposition to the proposed pipeline, including individuals and organizations opposing the pipeline, including any records of surveillance or other operations concerning opponents by private security companies such as TigerSwan, or others;
- all records relating to communications with officials, staff, or entities affiliated with Louisiana State University, including David Dismukes, and the Center for Energy Studies;
- all records relating to public relations messaging about the pipeline, including safety concerns, and communications with public relations and public affairs consultants or agents, journalists, media, spokespeople, and lobbyists;

“Record(s)” as used herein includes, but is not limited to, all Records or communications in written or electronic form (including metadata), such as correspondences, calendars, calendar entries, agendas, itineraries, event programs, call logs, voice mails, phone messages, emails, text messages, messages through social media accounts such as Facebook or Twitter, documents, data, videotapes, audio tapes, faxes, files, receipts, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, legal opinions, protocols, reports, rules, talking points, technical manuals, technical specifications, training manuals, studies, or any other Record of any kind.

“Communication(s) means the transmittal of information whether facts, ideas, inquiries or otherwise.

We ask that you produce these records electronically.

La. R.S. § 44:32(D) of the Louisiana Public Records Act requires a response to this request within three (3) business days, exclusive of Saturdays, Sundays, and legal holidays. If these records will not be produced in three business days, please notify us in writing immediately and explain the reasons why.

If the records are not currently in your possession, please notify us in writing, and provide any and all information about where and with whom the records may be found, requested, viewed or copied, and/or when they will become available to your office.

The undersigned are entitled to a waiver of fees as disclosure of these requested records is in the public interest and for a public purpose. This information is not being sought for commercial purposes.

If you deny any part of this request, please cite each specific exemption to the Louisiana Public Records Law that you have determined justifies the refusal to produce the records. Please feel free to contact me at any time using the contact information above. Thank you for your time and consideration.

Sincerely,

Pamela C. Spees  
Senior Staff Attorney  
Center for Constitutional Rights

William P. Quigley  
Professor of Law  
Loyola University, New Orleans  
College of Law