

MOTION FILED
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IN THE
Supreme Court of the United States
OCTOBER TERM, 1978

No. 83, Original

STATE OF MARYLAND, *et al.*,

Plaintiffs,

v.

STATE OF LOUISIANA,

Defendant.

**MOTION OF INDICATED PIPELINE COMPANIES
FOR LEAVE TO FILE ANSWER TO MOTION
FOR APPOINTMENT OF A SPECIAL MASTER
AND ANSWER TO MOTION**

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Texas Eastern Transmission Corpor-
ation, and Trunkline Gas Company

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The pipeline companies indicated in the footnote¹ hereby respectfully move the Court for leave to file the

¹Columbia Gas Transmission Corporation, Consolidated Gas Supply Corporation, El Paso Natural Gas Company, Florida Gas Transmission Company, Michigan Wisconsin Pipe Line Company, Mississippi River Transmission Corporation, Natural Gas Pipeline Company of America, Northern Natural Gas Company, Panhandle Eastern Pipe Line Company, Sea Robin Pipeline Company, Southern Natural Gas Company, Tennessee Gas Pipeline Company, a Division

attached answer to the motion of the State of Louisiana for appointment of a special master.

The pipeline companies have filed a motion for leave to intervene in this proceeding demonstrating that they have a vital interest in the various issues presented herein. However, the Court has not yet acted on this motion by the pipeline companies.² Accordingly, inasmuch as the Court's action upon the instant motion of the State of Louisiana for the appointment of a special master may have an impact upon the future course of this proceeding, the pipeline companies respectfully urge that they should be permitted to file the attached answer so that the Court may be apprised of their views in connection with its disposition of that motion.

of Tenneco Inc., Texas Eastern Transmission Corporation, Texas Gas Transmission Corporation, Transcontinental Gas Pipe Line Corporation, Trunkline Gas Company and United Gas Pipe Line Company.

²Louisiana has filed an opposition to the motion of the pipeline companies for leave to intervene. The pipeline companies will shortly file a response to that opposition.

By their attorneys,

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Division of Tenneco Inc., Texas
Eastern Transmission Corporation,
and Trunkline Gas Company**

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STATE OF LOUISIANA,

Defendant.

**ANSWER OF INDICATED PIPELINE COMPANIES TO
MOTION FOR APPOINTMENT OF A SPECIAL MASTER**

The indicated pipeline companies¹ respectfully submit that the motion of the State of Louisiana for appointment of a special master should be denied at this time.

¹Columbia Gas Transmission Corporation, Consolidated Gas Supply Corporation, El Paso Natural Gas Company, Florida Gas Transmission Company, Michigan Wisconsin Pipe Line Company, Mississippi River Transmission Corporation, Natural Gas Pipeline Company of America, Northern Natural Gas Company, Panhandle Eastern Pipe Line Company, Sea Robin Pipeline Company, Southern

1. The plaintiff states have moved the Court for judgment on the pleadings and the pipeline companies will shortly file a similar motion. As shown in these motions, the Louisiana First Use Tax on Natural Gas, La. R.S. 47: 1301–1307, violates the Supremacy and Commerce Clauses of the Constitution (art. VI, cl. 2 and art. I, sec. 8, respectively), and therefore must be set aside as unconstitutional. Notwithstanding the assertion of the State of Louisiana (Motion at p. 2), this case can be disposed of by the Court summarily and without the development of an evidentiary record. *See, e.g., Douglas v. Seacoast Products Inc.*, 431 U.S. 265, 272 (1977).
2. Consideration of the motion for appointment of a special master is premature at this time and action thereon should be deferred pending resolution of the motions for summary disposition filed by the plaintiff states and to be filed by the pipeline companies.
3. The very magnitude of the tax (an estimated \$275,000,000 annually), and its immediate impact upon the pipeline companies and their customers, require that the Court dispose of this case summarily and without appointment of a special master.

WHEREFORE, for the foregoing reasons, the pipeline companies urge that Louisiana's motion for appointment of a special master be deferred.

Natural Gas Company, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Texas Eastern Transmission Corporation, Texas Gas Transmission Corporation, Transcontinental Gas Pipe Line Corporation, Trunkline Gas Company and United Gas Pipe Line Company.

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Eastern Transmission Corporation,
and Trunkline Gas Company

CERTIFICATE OF SERVICE

I, Daniel F. Collins, a member of the Bar of this Court, do hereby certify that three (3) copies of the foregoing motion and answer were served upon each other party separately represented in this proceeding by depositing said copies in the United States mail, properly addressed, with airmail postage prepaid, pursuant to Rule 33 of the Rules of this Court, this 28th day of September, 1979.

Daniel F. Collins



