

701 Pennsylvania Ave, NW
Washington, DC 20004-2696
Telephone: 202-508-5227
Fax: 202-508-5080
clemieux@eei.org



September 15, 2006

**The Honorable Susan C. Schwab
United States Trade Representative
Executive Office of the President
600 17th Street, N.W.
Washington, D.C. 20508**

Dear Ambassador Schwab:

Pursuant to Section 2104 (e) of the Trade Act of 2002 and Section 135 (e) of the Trade Act of 1974, as amended, I am pleased to transmit the report of the Industry Trade Advisory Committee on Energy and Energy Services (ITAC 6) on the U.S. – Colombia Free Trade Agreement, reflecting consensus advisory opinion(s) on the proposed Agreement.

Sincerely,

A handwritten signature in black ink that reads "John Easton". The signature is written in a cursive, flowing style.

**Chairman
Industry Trade Advisory Committee on
Energy Services (ITAC 6)**

Energy and

The U.S. – Colombia Free Trade Agreement (FTA)

**Report of the
Industry Trade Advisory Committee on Energy and Energy Services (ITAC 6)**

September 2006

September 20, 2006

Industry Trade Advisory Committee on Energy and Energy Services (ITAC 6)

Advisory Committee Report to the President, the Congress, and the United States Trade Representative (USTR) on the U.S. – Colombia Free Trade Agreement

I. Purpose of the Industry Trade Advisory Committee on Energy and Energy Services (ITAC 6) Report

Section 2104 (e) of the Trade Act of 2002 requires that advisory committees provide the President, the USTR, and Congress with reports required under Section 135 (e)(1) of the Trade Act of 1974, as amended, not later than 30 days after the President notifies Congress of his intent to enter into an agreement.

Under Section 135 (e) of the Trade Act of 1974, as amended, the report of the Advisory Committee for Trade Policy and Negotiations and each appropriate policy advisory committee must include an advisory opinion as to whether and to what extent the agreement promotes the economic interests of the United States and achieves the applicable overall and principle negotiating objectives set forth in the Trade Act of 2002.

The report of the appropriate sectoral or functional committee must also include an advisory opinion as to whether the agreement provides for equity and reciprocity within the sectoral or functional area.

Pursuant to these requirements, ITAC 6 hereby submits the following report.

II. Executive Summary of the Industry Trade Advisory Committee on Energy and Energy Services (ITAC 6) Report

ITAC 6 has reviewed the U.S. -Colombia Free Trade Agreement and our members agree that it will lead to improvements in the trade relationship between Colombia and the United States.

On investment provisions and, more specifically, investor-state dispute resolution and the ability to use international arbitration, we are pleased that the U.S. – Colombia Free Trade Agreement text explicitly recognizes that the provisions of the existing agreements will remain in effect.

III. Brief Description of the Mandate of the Industry Trade Advisory Committee on Energy and Energy Services (ITAC 6)

ITAC 6 provides detailed policy and technical advice, information, and recommendations to the Secretary of Commerce and the USTR regarding trade barriers and the implementation of trade agreements negotiated under Sections 101 and 102 of the Trade Act of 1974, as amended, and Sections 1102 and 1103 of the 1988 Trade Act. ITAC 6 also performs such other advisory functions relevant to U.S. trade policy as may be requested by the Secretary and the USTR or their designees.

IV. **Negotiating Objectives and Priorities of the Industry Trade Advisory Committee on Energy and Energy Services (ITAC 6)**

- Investment provisions

V. **Industry Trade Advisory Committee on Energy and Energy Services (ITAC 6) Opinion on Agreement**

Against a background of serious concern by ITAC 6 regarding erosion of investor protections in other free trade agreements, the U.S. - Colombia FTA and overall investment agreement approach appear to be a significant improvement.

VI. **Membership of Committee**

1) Mr. John Easton, Chair
Vice President, International Programs
Edison Electric Institute
701 Pennsylvania Ave.
Suite 400
Washington, DC 20004-2696
(202) 508-5633
(202) 508-5080 (fax)
jeaston@eei.org

2) Dr. William Whitsitt
President
Domestic Petroleum Council
101 Constitution Ave., NW
Washington, DC 20002-5703
(202) 742-4300
(202) 742-4505 (fax)
wfwhitsitt@aol.com

3) Mr. David Burnett
President
Piceance Natural Gas, Inc.
1580 Lincoln Street
Suite 970
Denver, CO 80203
(303) 832-6465
(303) 832-6356 fax
png@orci.com

4) Ms. Leslie Coleman
Assistant Vice President, Statistical Services
National Mining Association
101 Constitution Ave., NW
Suite 500 East
Washington, DC 20001
(202) 463-9780
(202) 463-2614 (fax)
lcoleman@nma.org

5) Mr. Gene Godley
Partner
Bracewell & Patterson, L.L.P. (Representing Gas Processors Association)
2000 K Street, NW
Suite 500
Washington, DC 20006-1872
(202) 828-5870
(202) 857-2109 (fax)
ggodley@bracewellgiuliani.com

6) Mr. W. Russell King
Senior Vice President
McMoRan Exploration Company
449 South Capitol Street, SW
Suite 600
Washington, DC 20003
(202) 203-1024
(202) 203-1025 (fax)
rking@joneswalker.com

7) Mr. Maurice McBride
Attorney
National Petrochemical & Refiners Association
1899 L Street, NW
Suite 1000
Washington, DC 20036
(202) 457-0480
(202) 457-0486 (fax)
mcbride@npra.org

8) Ms. Sherry Stephens
President
Petroleum Equipment Suppliers Association (PESA)
9225 Katy Freeway
Suite 310
Houston, TX 77024
(713) 932-0168
(713) 932-0497 (fax)
sstephens@pesa.org

9) Dr. Paula Gant
Director, Energy Policy and Strategy
Duke Energy International, LLC
401 Ninth Street, NW
Suite 1100
Washington, DC 20004
(202) 824-8003
(713) 386-4069 (fax)
pagant@duke-energy.com

10) Mr. Bruce Hatton
Consultant
The Livingston Group (Representing McDermott International, Inc.)

499 South Capitol Street
Suite 600
Washington, DC 20003
(202) 289-9881
(202) 289-9877 (fax)
bnhatton@mcdermott.com

11) Mr. Galen Cobb
Vice President, Industry Relations
Halliburton Energy Services Group
10200 Bellaire Boulevard, SW-12F
Houston, TX 77072-4574
(281) 575-3377
(281) 575-5458 (fax)
galen.cobb@halliburton.com

12) Ms. Shannon S.S. Herzfeld
Vice President, Government Relations
Archer, Daniels Midland Company
2600 Virginia Avenue
Suite B128
Washington, DC 20037
(202) 333-7628
(202) 333-4009 (Fax)
shannon_Herzfeld@admworld.com

13) Ms. Barbara B. Tyrان
Director, Electric Power Research Institute
2000 L Street, NW
Suite 805
Washington, DC 20036
(202) 293-7513
(202) 296-5436 (Fax)
bturan@epri.com