

**RAILROAD COMMISSION OF TEXAS
OFFICE OF GENERAL COUNSEL
HEARINGS SECTION**

Oil and Gas Docket No. 03-0247582

**COMMISSION CALLED HEARING ON THE
COMPLAINT DR. C.E. FENNER AGAINST
ANADARKO PETROLEUM CORPORATION AND
MAGNUM PRODUCING, L.P., REGARDING
ALLEGED VIOLATIONS OF STATEWIDE RULE 8(b),
8(d) AND STATEWIDE RULE 91, ON A 5 ACRE
TRACT OF LAND OWNED BY C.E. FENNER AND
FORMERLY USED AS A GAS STORAGE PLANT IN
AUSTIN COUNTY, TEXAS.**

FINAL ORDER

The Commission finds that after statutory notice the captioned proceedings were heard by the examiners on August 28, 29 and 30 and December 11, 12 and 13, 2007. The examiners have circulated a Proposal for Decision containing Findings of Fact and Conclusions of Law, which was served on all parties of record, and that this proceeding was duly submitted to the Railroad Commission of Texas at conference held in its offices in Austin, Texas.

The Commission, after review and consideration of the proposal for decision and the findings of fact and conclusions of law contained therein, and any exceptions and replies thereto, hereby adopts as its own the Findings of Fact Nos. (1) through (7) and (9) through (16) and Conclusions of Law (1) through (4) contained therein, and incorporates said findings of fact and conclusions of law as if fully set out and separately stated herein.

In addition, the Commission adopts the following Substitute Finding of Fact:

Substitute Finding of fact:

8. The soil type in the area of the Fenner Gas Processing Plant is a Straber soil, which is a clay pan soil, with the top of the clay pan usually found one to three feet below the surface. The clay pan provides a low permeability barrier to the migration of fluid from the surface to the soil below.

The captioned docket is hereby **DISMISSED**.

It is further **ORDERED** by the Commission that this order shall not be final and effective until 20 days after a party is notified of the Commission's order. A party is presumed to have been notified of the Commission's order 3 days after the date on which the notice is actually mailed. If a timely motion for rehearing of an application is filed by any party at interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order

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shall be subject to further action by the Commission. Pursuant to Tex. Gov't Code §2001.146(e), the time allotted for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until 90 days from the date the parties are notified of this order in accordance with Tex. Gov't Code §2001.144.

Each exception to the examiners' proposal for decision not expressly granted herein is overruled. All requested findings of fact and conclusions of law which are not expressly adopted herein are denied. All pending motions and requests for relief not previously granted or granted herein are denied.

Noncompliance with the provisions of this order is subject to enforcement by the Attorney General and subject to civil penalties of up to \$10,000.00 per day per violation.

Done this 24th day of November, 2009, in Austin, Texas.

RAILROAD COMMISSION OF TEXAS

CHAIRMAN VICTOR G. CARRILLO



COMMISSIONER ELIZABETH A. JONES



COMMISSIONER MICHAEL L. WILLIAMS

ATTEST:



SECRETARY

RAILROAD COMMISSION OF TEXAS