

RAILROAD COMMISSION OF TEXAS

Hearings Division



Hearings Director Ryan D. Larson



- Mr. Larson began at the Commission in July 2014. He holds a Bachelor's Degree from the University of California, Los Angeles (UCLA) in Political Science and a Juris Doctorate from Southwestern University School of Law.
- Prior to joining the Commission, Mr. Larson was an Assistant Attorney General with the Office of the Attorney General of Texas. In that capacity he handled civil trials and appeals for the Commission and other agencies. He has extensive administrative law, appellate, and litigation experience.
- Mr. Larson also worked as an associate in private practice dealing with a variety of legal issues which primarily centered on environmental and oil and gas matters.

A Brief History of the Commission



- The Railroad Commission is the oldest regulatory agency in the State and one of the oldest in the country. It was established in 1891 to regulate the rail industry.
- The Railroad Commission no longer regulates railroads. It oversees the oil, natural gas, coal mining, intrastate pipelines, and gas utility distribution industries in Texas.

A Brief History - Continued



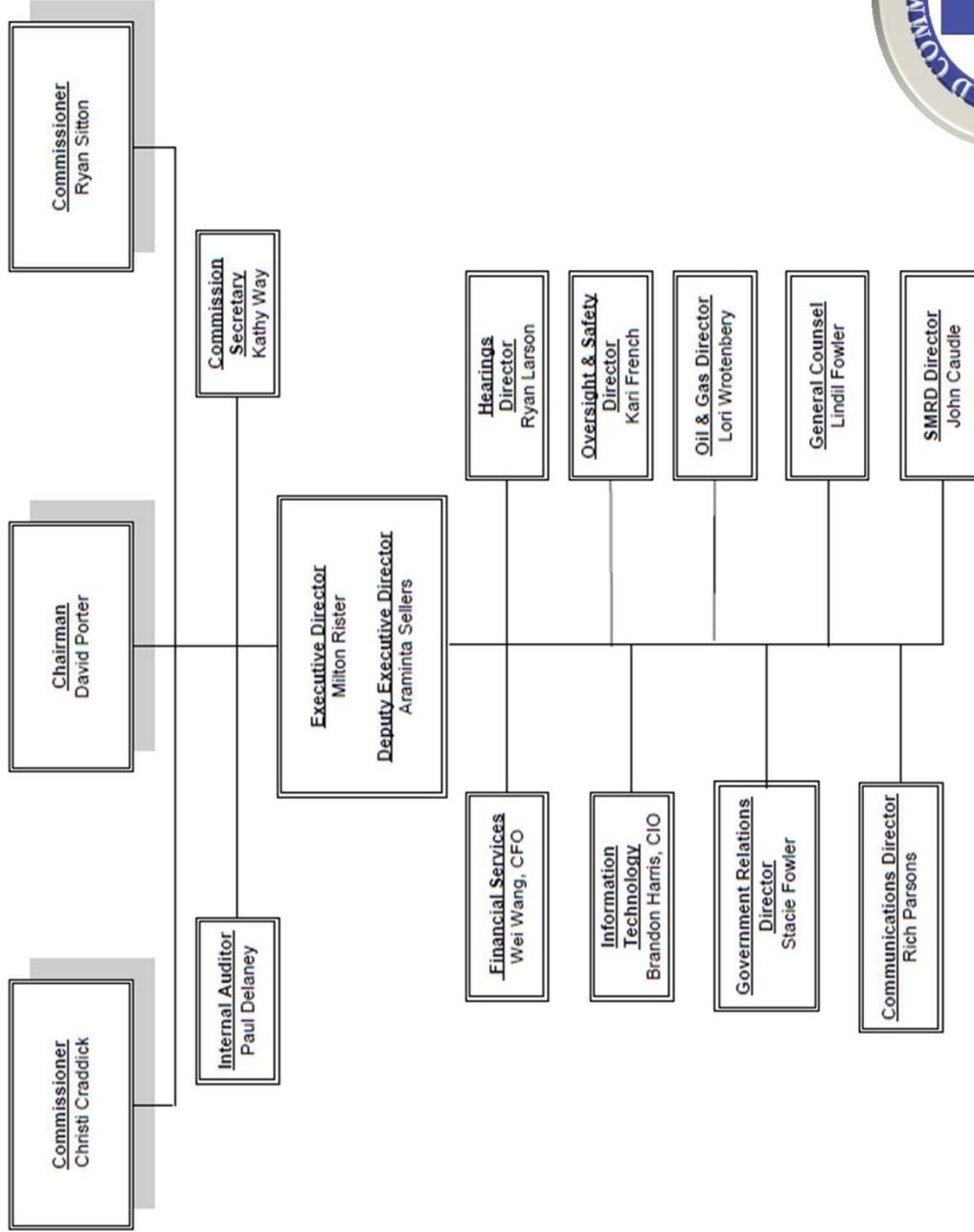
- As originally structured, the Commission's hearings were held within separate departments, depending on the discipline at issue, and were not handled by one division dedicated to holding hearings.
- Changes in legislation and case law related to administrative practice required a more robust adjudicatory process.

A Brief History - Continued



- Consequently, the Commission's hearings were consolidated as part of the functions of the Office of General Counsel. At that time, the Office of General Counsel included adjudicatory, enforcement, and general counsel functions.
- Later, the Commission separated those functions into two separate divisions and created the Hearings Division.

The Railroad Commission of Texas – Overview
 Effective June 9, 2015



Division's Purpose & Function



- The Division is headed by the Hearings Director, who historically is a licensed attorney.
- The Division's hearings examiners perform adjudicatory functions in three substantive areas – oil and gas, gas utility, and surface mining.
- The examiners are supported by Docket Services and administrative staff, who are managed by the Division's Office Manager.

Hearings Division Contact Information

Street Address
 1701 N. Congress
 Austin, Texas 78711-2567

Mailing Address
 P.O. Box 12567
 Austin, Texas 78711-2567

Phone and Fax
 Hearings Division Main Phone No. 512-463-6848
 Fax No. 512-463-6935

Hearings Division support staff Contacts

Carmen Calderon, Office Manager carmen.calderon@rrc.texas.gov	512-463-6766	Ryan Larson, Director
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Docket Services	Phone No.
Sandra Elliott sandra.elliott@rrc.texas.gov	512-463-7325
Patricia Kaiser patricia.kaiser@rrc.texas.gov	512-463-6848

Support Staff Main Phone No. 512-463-6924

Legal Assistant/Paralegal	Phone No.	Assigned Examiners
Sandra Abernathy, Legal Assistant sandra.abernathy@rrc.texas.gov	512-463-6793	Marahall F. Enquist, Hearings Examiner Richard Eyeter, Technical Examiner Brian Fancher, Technical Examiner
Terri Baird, Paralegal terri.baird@rrc.texas.gov	512-463-1290	Paul Dubois, Technical Examiner Cecile Hanna, Hearings Examiner Rose Rulz, Technical Examiner
Neal Fowler, Paralegal neal.fowler@rrc.texas.gov	512-936-3421	Karl D. Caldwell, Technical Examiner Laura Miles-Valdez, Hearings Examiner Christina Poole, Technical Examiner
Loretta McClain, Legal Assistant loretta.mcclain@rrc.texas.gov	512-463-7033	Randall Collins, Hearings Examiner John Dodson, Hearings Examiner Gene Montee, Hearings Examiner Marcella Spraggline, Hearings Examiner
Joseph Menefe, Paralegal joseph.menefe@rrc.texas.gov	512-463-9298	Terry Johnson, Hearings Examiner Peggy Laird, Technical Examiner

Docket Services



- Docket Services is run by two program specialists who process hearing requests for applications and complaints.

Docket Services	Phone No.
Sandra Elliott sandra.elliott@rrc.texas.gov	512-463-7325
Patricia Kaiser patricia.kaiser@rrc.texas.gov	512-463-6848

Docket Services - Continued



- Docket Services is responsible for:
 - assigning a docket number for each case filed with the Hearings Division;
 - creating the hearing hard-copy file;
 - scheduling hearings;
 - preparing notices of hearings;
 - ensuring the appearance of a court reporter;



Docket Services - Continued



- Docket Services is responsible for:
 - creating and preparing the weekly and monthly hearing schedule for the public, website, internal staff and court reporter;
 - scheduling and maintaining the hearing rooms; and
 - responding to inquiries regarding scheduling of hearings.



Yearly Hearings Schedules: 2015

2015 Weekly Hearings Archives by month.

Month	2015 Schedules
January	01/05/2015 01/12/2015 01/19/2015 01/26/2015
February	02/02/2015 02/09/2015 02/16/2015 02/23/2015
March	03/02/2015 03/09/2015 03/16/2015 03/23/2015 03/30/2015
April	04/06/2015 04/13/2015 04/20/2015 04/27/2015
May	05/04/2015 05/11/2015 05/18/2015 05/25/2015
June	06/01/2015 06/08/2015 06/15/2015 06/22/2015 06/29/2015
July	07/06/2015 07/13/2015 07/20/2015 07/27/2015
August	08/03/2015 08/10/2015 08/17/2015 08/24/2015 08/31/2015
September	09/07/2015 09/14/2015 09/21/2015 09/28/2015
October	10/05/2015 10/12/2015 10/19/2015 10/26/2015
November	11/02/2015 11/09/2015 11/16/2015 11/23/2015 11/30/2015
December	12/07/2015 12/14/2015 12/21/2015 12/28/2015

Yearly Hearings Schedules
2015 Schedules
2014 Schedules
2013 Schedules
2012 Schedules
View More

Auxiliary Aids or Services for Persons with a Disability

Any individual with a disability who plans to attend any hearings and who requires auxiliary aids or services should notify the Commission as far in advance as possible so that appropriate arrangements can be made.

Requests may be made to the Human Resources Office of the Railroad Commission of Texas:

By Mail:
P. O. Box 12967
Austin, Texas 78711-2967

By Phone:
512-463-6981
TDD No: 512-463-7284

By email:
ADA@rrc.texas.gov

In person:
1701 North Congress Avenue, Suite 9-100
Austin, Texas

Administrative Staff



- Administrative staff assist the Examiners in case management and preparation for administrative hearings. A staff member is assigned to each Examiner.
- The administrative staff consist of paralegals and legal assistants.



Support Staff Main Phone No. 512-463-6924

Legal Assistants/Paralegals	Phone No.	Assigned Examiners
Sandra Abernathy, Legal Assistant sandra.abernathy@rrc.texas.gov	512-463-6793	Marshall F. Enquist, Hearings Examiner Richard Eyster, Technical Examiner Brian Fancher, Technical Examiner
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Joseph Menefe, Paralegal joseph.menefe@rrc.texas.gov	512-463-9298	Terry Johnson, Hearings Examiner Peggy Laird, Technical Examiner

Administrative Staff - Continued



- Some of their duties include:
 - responding to inquiries directed to the Examiners;
 - retrieval of records;
 - maintaining and updating files;
 - updating the mainframe as a docket progresses through the hearing process; and
 - preparing the administrative record for appeal.

I'm studying
to become a
paralegal.



I assume you
realize that means
you'll have to work
with lawyers.



Adjudicatory Functions



- The Railroad Commission's contested case hearings are conducted by Hearings Examiners. The Hearings Examiners are assigned to preside over contested cases pertaining to oil and gas, gas services, and surface mining issues.



Oil and Gas Dockets



- Four Legal Examiners and five Technical Examiners primarily handle the oil and gas hearings.
- Typically, a Legal Examiner and Technical Examiner are assigned to each oil and gas docket.
- The Legal Examiner is always a licensed attorney.
- The Technical Examiner is either a petroleum engineer, engineer with oil and gas experience, geophysicist, or geologist.

Adjudicatory Functions - Continued



- Each year, the Hearing Division processes approximately 1,000 dockets.
- The Commission's contested case hearings are conducted in accordance with the Administrative Procedure Act (APA) and the Commission's Practice and Procedure Rules.



Administrative Procedure Act



- Chapter 2001 within the APA addresses the minimum standards for conducting “contested cases,” in which the legal rights, duties, or *privileges* of a party are to be determined by a state agency after an opportunity for adjudicative hearing.
- The APA can be viewed at the Texas Legislature’s website - <http://www.statutes.legis.state.tx.us/>

Texas Constitution and Statutes Home

Home | Search | Download | Statutes By Date

The statutes available on this website are current through the 83rd Legislature, August 2013. The Texas Constitution is current through the amendments approved by voters in November 2013.

Hide Quick Search

Code:

Article/Chapter:

Art./Sec.:

- TEXAS CONSTITUTION
- TEXAS STATUTES

Quick Links

- [Linking to Texas Constitution and Statutes](#)
- [Texas Legislature Online](#)
- [General Appropriations Act](#)
- [Index to Sections Affected](#)
- [Texas Administrative Code](#)
- [Texas Law Timeline](#)
- [Amendments to the Texas Constitution Since 1876](#)
- [Constitutional Amendments Search](#)

Commission's Rules



- Title 16 within the Texas Administrative Code contains the Commission's rules. The most relevant sections for Oil and Gas practice at the Commission are:
 - Chapter 1 - governing general practice and procedure; and
 - Chapter 3 - governing the Oil and Gas Division.
- The rules can be viewed at the Secretary of State's website -
[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=3&ti=16&pt=1](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=3&ti=16&pt=1)



Texas Administrative Code

TITLE 16 ECONOMIC REGULATION
PART 1 RAILROAD COMMISSION OF TEXAS

Chapters

- [CHAPTER 1 PRACTICE AND PROCEDURE](#)
- [CHAPTER 2 INFORMAL COMPLAINT PROCEDURE](#)
- [CHAPTER 3 OIL AND GAS DIVISION](#)
- [CHAPTER 4 ENVIRONMENTAL PROTECTION](#)
- [CHAPTER 5 CARBON DIOXIDE \(CO2\)](#)
- [CHAPTER 7 GAS SERVICES DIVISION](#)
- [CHAPTER 8 PIPELINE SAFETY REGULATIONS](#)
- [CHAPTER 9 LP-GAS SAFETY RULES](#)
- [CHAPTER 11 SURFACE MINING AND RECLAMATION DIVISION](#)
- [CHAPTER 12 COAL MINING REGULATIONS](#)
- [CHAPTER 13 REGULATIONS FOR COMPRESSED NATURAL GAS \(CNG\)](#)
- [CHAPTER 14 REGULATIONS FOR LIQUEFIED NATURAL GAS \(LNG\)](#)
- [CHAPTER 15 ALTERNATIVE FUELS PROGRAMS](#)
- [CHAPTER 18 UNDERGROUND PIPELINE DAMAGE PREVENTION](#)
- [CHAPTER 20 ADMINISTRATION](#)

Oil and Gas Dockets - Types



- Oil and gas hearings include, but are not limited to, the following issues:
 - Field Rule Amendments;
 - Rule 8 (water protection and authorized surface disposal);
 - Rule 9 (disposal wells) and Rule 46 (injection into productive reservoirs);
 - Rule 37 (well spacing);
 - Rule 38 (well density);
 - Rule 106 (sour gas pipelines).
 - well transfer requests;
 - requests for permission to subdivide or consolidate oil leases;
 - complaints filed with the Commission; and
 - enforcement proceedings initiated by the Commission.

Conducting the Hearing



- During the hearing, the Hearings Examiner:
 - listens to witness testimony;
 - examines exhibits and other evidence;
 - questions witnesses;
 - makes rulings on offers of and objections to evidence;
 - builds the record upon which an agency decision is based; and
 - ensures that all information needed by the Commissioners is in the record.



Proposal for Decision



- Once the hearing is adjourned and the evidentiary record closed, the Hearings Examiner:
 - writes a proposal for decision (PFD) that summarizes the evidence, the arguments of the parties, and the applicable law;
 - recommends a decision; and
 - proposes findings of fact and conclusions of law.
- The parties have an opportunity to file exceptions to the PFD and replies to the exceptions.

Public Conference



- The Hearings Examiner presents his or her recommendation to the Commissioners at open conference and answers any questions related to the case.
- The Commissioners decide the cases, and may wholly or partially approve or reject the Hearings Examiner's recommendations.

Public Conference - Continued



- The order signed by the Commissioners does not adopt the Hearings Examiner's entire proposal for decision.
- Instead, it adopts only the findings of facts and conclusions of law.
- If the Commissioners change any of the Hearings Examiner's findings or conclusions, those changes are set forth in the final order that is approved by the Commissioners.



“And don't go whining to some higher court.”

QUESTIONS & COMMENTS?



Ryan D. Larson
Hearings Director
Railroad Commission
of Texas

