

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

SMRD DOCKET No. C15-0002-SC-32-F

APPLICATION OF TEXAS WESTMORELAND COAL COMPANY FOR RELEASE OF RECLAMATION OBLIGATIONS FOR AN AGGREGATE 418.7 ACRES, REVISED TO 247 ACRES, WITHIN PERMIT NO. 32F, JEWETT MINE, LEON, LIMESTONE AND FREESTONE COUNTIES, TEXAS

ORDER APPROVING RELEASE OF RECLAMATION OBLIGATIONS

Statement of the Case

Texas Westmoreland Coal Company (TWCC), P.O. Box 915, Jewett, Texas, applied to the Railroad Commission of Texas (Commission), Surface Mining and Reclamation Division, for release of reclamation obligations on an aggregate 418.7 acres, specifically Phase II release for 171.7 acres and Phase III release for 247 acres, within Permit No. 32F, Jewett Mine, Leon, Limestone, and Freestone Counties, Texas. The application is made pursuant to the Texas Surface Coal Mining and Reclamation Act, TEX. NAT. RES. CODE ANN. Ch. 134 (Vernon Supp. 2014), and "Coal Mining Regulations" Tex. R.R. Comm'n, 16 TEX. ADMIN. CODE Ch. 12 (Thomson West 2014).

Phase II release for 171.7 acres encompasses the completion of the establishment of revegetation and drainage control for the acreage. Phase III release encompasses the completion of the extended responsibility period for revegetation and for all reclamation activities related to surface water quality and quantity and groundwater protection for this acreage. No comments or requests for hearing were filed following public notice. The only parties to the proceeding are TWCC and the Commission's Surface Mining and Reclamation Division (Staff). There remain no outstanding issues between the parties. Based on information provided by TWCC, as supplemented, and its inspection of the area, Staff recommends release of the acreage requested for Phase III release, 247 acres. The acreage requested for Phase II release, 171.7 acres is not recommended for release. TWCC concurs with Staff's recommendation.

The currently accepted reclamation performance bonds for Permit No. 32F total \$71,000,000 for Permit No. 32F: a self-bond with third-party guarantee by NRG Energy, Inc. in the amount of \$57,500,000 and a surety bond issued by Liberty Mutual Insurance Company in the amount of \$13,500,000, accepted by Commission Orders dated March 22, 2011 and June 12, 2012, respectively.

The Commission approves the release of reclamation obligations as recommended by Staff. TWCC does not request adjustment to the approved reclamation bonds at this time. An eligible bond reduction amount of

\$214,914.70 may be determined.

FINDINGS OF FACT

Based on the evidence in the record the following Findings of Fact are made:

1. By letter dated September 30, 2014, Texas Westmoreland Coal Company (TWCC) filed its application with the Commission's Surface Mining and Reclamation Division for a release of reclamation obligations for 418.7 acres in the aggregate within the D Area of the Jewett Mine, Permit No. 32F, located in portions of Leon, Limestone, and Freestone Counties. The permit area contains approximately 21,549 acres. TWCC conducted mining operations on the acreage requested for release of reclamation liability between 1995 and 2002.
2. The application is made pursuant to Texas Surface Coal Mining and Reclamation Act, TEX. ADMIN. CODE ANN. CH. 134 (Vernon Supp. 2014) (Act), and the Coal Mining Regulations, Tex. R.R. Comm'n, 16 TEX. ADMIN. CODE CH. 12 (Thomson West 2014). No filing fee is required. The application was properly certified in accordance with §12.312(a)(3).
3. TWCC does not request a reduction in the amount of the approved reclamation bond instruments. The existing reclamation bonds for the permit area total \$71,000,000. The currently accepted reclamation performance bonds for Permit No. 32F are a self-bond with third-party guarantee by NRG Energy, Inc. in the amount of \$57,500,000 and a surety bond issued by Liberty Mutual Insurance Company in the amount of \$13,500,000 accepted by Commission Orders dated March 22, 2011 and June 12, 2012, respectively.
4. The application was filed with the Hearings Division by letter dated October 3, 2014. Staff declared the application administratively complete by letter dated January 16, 2015 and included copies of proof of publication of notice of application filed by TWCC. TWCC filed a supplement by letter dated October 31, 2014 to address a missing structure on Exhibit 142-ST, acreage discrepancies, missing planting dates, and copies of approval/submittal letters.
5. Copies of the application were filed for public review at the main office of the Railroad Commission of Texas at 1701 North Congress Avenue, William B. Travis Building, Austin, Texas and in the offices of

the Leon, Limestone, and Freestone County Clerks. Publication occurred once each week for four consecutive weeks in the *Groesbeck Journal*, *The Fairfield Recorder*, and *The Jewett Messenger*, on November 20 and 27, 2014 and on December 4 and 11, 2014; on December 4, 11, 18, and 25, 2014; and on November 19 and 26, 2014 and on December 3 and 10, 2014, respectively. The three newspapers are papers of general circulation in the area of the proposed operations, Freestone, Leon, and Limestone Counties. The notice of application contains all information required by the Act and Regulations for notice of application for bond release applications. The published notice is adequate notification of the request for release. The notice includes the elements required by §134.129 of the Act and §12.312(a)(2) of the Regulations: the name of the permittee, the precise location of the land affected, the total number of acres, permit number at the time of application and date approved, the amount of bond filed, the type and appropriate dates reclamation work was performed, and a description of the results achieved as they relate to the approved reclamation plan. The notice contains information on the applicant, location and boundaries of the permit area, the application's availability for inspection, and the address to which comments should be sent.

6. TWCC sent notice by letter dated November 13, 2014 to owners of interests in the areas requested for release and adjacent lands and to local governmental bodies, planning agencies, sewage and water treatment authorities and water companies in the locality as required by §12.312(a)(2). TWCC mailed notice to the County Judges/Commissioners' Courts of Freestone, Leon, and Limestone Counties, the Natural Resources Conservation Service's local offices in Fairfield, Groesbeck, and Centerville, the Texas Commission on Environmental Quality, the Texas Department of Transportation, the Environmental Protection Agency, the U.S. Army Corps of Engineers, Fort Worth District Office, Texas General Land Office, Donie Water Works, Concord-Robbins Water System, the Brazos River Authority, and to several lessees. The areas requested for release are not located within the territorial boundaries of any municipality. The Hearings Division received copies of the notification letters dated November 8, 2013 by letter dated January 14, 2015.
7. The Staff provided notification of the application by certified letters dated November 10, 2014 to the County Judges of Leon, Limestone, and Freestone Counties as required by §134.133 of the Act; this date is at least 31 days prior to the date of consideration of the docket by the Commission. Pursuant to §12.312(b) of the Regulations, Staff notified owners of interests in lands and lessees of the application for

release of the date and time of Staff's field inspection. The notification letters, dated October 1, 2014, stated that a release had been requested and, pursuant to §12.312(b)(1), advised addressees of the opportunity to participate in the on-site inspection on October 22, 2014. Staff also sent notice to the Office of Surface Mining Reclamation and Enforcement (OSM) (Tulsa, Oklahoma office), however, no OSM representative attended.

8. The inspection occurred on October 22, 2014 as scheduled. Seven landowners/owners of other interests, two Commission inspectors, and five mine personnel attended the inspection meeting. No landowners attended the actual field inspection. None filed written comments with the Commission. No requests for hearing were filed pursuant to §12.313(d).
9. The application was declared administratively complete by Staff's letter dated January 16, 2015 with a notification that the Staff's technical analysis would be filed separately. Staff filed its Technical Analysis (TA) and field inspection report by letter dated May 11, 2015, noting deficiencies in the request for Phase II release. By letter dated May 12, 2015, the examiner sent a letter to TWCC indicating that Staff noted certain deficiencies related to the requested Phase II release for 171.7 acres based on (1) the lack of submittal of four concurrent quarters of permanent impoundment discharge water quality data or grab sample data if there were no discharge for the parameters of pH, SS/TSM, electrical conductivity (EC) or total dissolved solids (TDS) and flow, and (2) the apparent presence of a portion of temporary Sedimentation Pond 026 within the area requested for Phase II release (Exhibit 142-PW) (the lack of topographic information on the exhibit, satellite imagery showing an outline of the pond different from the approved pond, and the lack of a construction certification). When the examiner inquired whether TWCC desired to file a supplement to address these issues, TWCC, by letter dated May 13, 2015, stated agreement with Staff's TA and field inspection report and stated that it would not be filing a response or comments. The lands proposed for Phase III release may be considered for release at this time. Based on the evidence in the record, and Staff's recommendation, denial of release for the acreage requested for Phase II release, may be made, without prejudice.
10. The areas proposed for release are detailed in Staff's Technical Analysis (TA) and Field Inspection Report (Attachment III to Staff's TA). Figures and photographs of the proposed release areas and structures in the Staff Inspection Report and Evaluation, as amended, provide depictions of the areas

included in the application and the specific releases proposed. Photographs from the inspection are included in Appendix IV of the Inspection Report and provide support for the application.

11. The application included ownership and tract information for owners of interests in the areas proposed for release. There are 14 tracts within the areas requested for release and 13 owners of such tracts. NRG Texas Power LLC owns the surface and coal on 12 tracts, the coal on one tract with the surface owned by an individual landowner, and the coal on one tract, with TWCC owning the surface. Approximately 12 individuals, trusts, or businesses own various interests in the remaining 13 tracts located within the release areas. Two of the adjoining four tracts are partially owned by NRG Texas Power LLC, with individuals sharing interests in all four adjoining tracts. One tract, State Highway 164, is owned by the Texas Department of Transportation and Leon County. There are also five leaseholders.
12. The acreage requested for Phase II release was approved for Phase I release from reclamation obligations by Commission Order dated April 28, 2015 (Docket No. C14-0008-SC-32-F). The land uses within the area requested for Phase II release are pastureland (170.4 acres) and developed water resources (1.3 acres). Land uses within the areas recommended for Phase III release are pastureland (241.3 acres) and developed water resources (5.7 acres).
13. Parcel P-3, the area requested for Phase II release, comprising 171.7 acres, is not recommended for Phase II release. Its location is shown on the Release Area Map contained in Attachment 1 to Staff's TA. As indicated on Figure 1, Appendix IV of Staff's inspection report, Photograph Location Map, it contains two land management units (LMUs), D1-14NP, and D1-14P. Pond RP-D7 is located within Parcel P-3 as well. Data contained within the application and data within Commission files demonstrates that the two sedimentation ponds that receive runoff from the proposed Phase II release area, Ponds 026 and 030 are not discharging water in excess of the effluent standards of the TCEQ Texas Pollutant Discharge Elimination System (TPDES) Permit 02653 and that runoff from these areas are not contributing suspended solids to streamflow or runoff outside of the permit area in excess of the performance standards. In addition, quarterly pond data for Pond RP-D7 for the period of record March 2010-September 2012 available in Commission files meets stream criteria for Stream Segment No. 1252 of the Navasota River. Staff used water quality data from four concurrent quarters contained in SMRD records for Permanent Pond RP-D7, located within the release area and receiving drainage from the area proposed

for Phase II release, to determine permanent impoundment water quality to compare to the water quality requirements of Segment 1252 of the Navasota River. Staff found that the data demonstrate that the permanent pond water quality meets the criteria for Stream Segment No. 1252 of the Navasota River. Even though these water quality standards are met, Staff determined that there may be another pond located within the area requested for Phase II release in that Exhibit 142-PW (as well as Plate 1 of the surface and groundwater report in the application) and satellite imagery depict temporary Sedimentation Pond 026 or a portion of the pond within the 171.7-acre area requested for Phase II release. Modifications to the pond were approved in 2006, but a construction certification has not been provided which could demonstrate that the pond is not located within the area requested for Phase II release. Phase II release cannot be approved for a temporary pond located in the area proposed for release. In addition, TWCC has not provided topographic information on Exhibit 142-PW that depicts the pond. Phase II release is not approved for Parcel P-3. Other requirements for Phase II release for this acreage are not discussed herein in that the acreage cannot be approved for release at this time.

14. The 247 acres (Parcels P-1 and P-2) requested for Phase III release have met Phase III requirements for completion of the extended responsibility period and for protection of surface water and groundwater. The Commission approved Phase I release in Docket No. C10-0002-SC-32-F by Order dated February 22, 2011 and Phase II release of reclamation obligations for the acreage in Docket No. C11-0004-SC-32-F by Order dated May 15, 2012.
 - (a). The Commission approved Phase II groundcover and productivity data for the pastureland acreage by letters dated July 30, 2013 and June 9, 2014. The acreage has completed the extended responsibility period (ERP) of five years as required by §12.313(a)(3) for areas of 26 or more inches of precipitation annually (Jewett Mine). The pastureland is made up of two LMUs, LMU D1-09P and LMU D1-09NP. Both LMUs were placed into the ERP on August 5, 2009, over five years ago. The pastureland has been reclaimed and has been managed in accordance with the approved postmine land uses (§§12.147 and 12.399). The vegetation is healthy and self-sustaining.
 - (b). The following structures are located in the areas requested for Phase III release: Pond RP-D6 and two small depressions D1-09-DP-1 and D1-08-DP-1. The pond is stable and no maintenance or

rehabilitation is required. The small depressions meet the requirements of §12.385(c) and are in accordance with Advisory Notice EN-PS-385(c). They are compatible with the approved postmine land use, do not restrict normal access to other reclaimed areas, are not an inappropriate substitute for lower grades on the reclaimed lands, and minimize erosion, conserve soil moisture, and promote vegetation. There are no permanent roads located within the Phase III release area [§12.400(f)].

- (c). Staff inspection noted no issues with erosion in the areas requested for Phase III release. The Staff Inspection Report and photographs contained in Appendix IV to the Inspection Report reflect that the areas requested for Phase III release are stable with no active erosion evident.

- (d). Surface water monitoring of streams and ponds receiving drainage from the 247 acres requested for Phase III release has been conducted in accordance with the requirements of the permit. The release area drains to Alligator Creek, thence to Buffalo Creek, and thence to the Trinity River. Based upon TWCC's hydrology consultant's report and review by Staff, the area is not contributing suspended solids to runoff in excess of the requirements of the TCEQ TPDES discharge Permit No. 02653, nor to streamflow outside the permit area. The quantity of surface water in the hydrologic system will not be materially affected. The surface water hydrologic system has been protected.
 - (i). The two sedimentation ponds that receive runoff from the release area, Ponds 026 and 030 are not discharging water in excess of the effluent standards of the TCEQ Texas Pollutant Discharge Elimination System (TPDES) Permit No. 02653. Runoff from the areas proposed for release is captured by the following final discharge ponds, Ponds 026 and 030. The runoff from these areas is not contributing suspended solids to streamflow or runoff outside the permit area in excess of the performance standards. Data contained in Commission records were used by Staff to determine compliance with water quality permit requirements for final discharge ponds 026 and 030 from sampling reports of discharges for the period of record of September 2003 – September 2014 for Pond 026 and for the period of record July 2003 – September 2014 for Pond 030 for flow, pH, total suspended solids (TSS), total iron (Fe) and total manganese (Mn). Staff

summarized the range and average cumulative pond water quality data (page 6, Staff TA). The data indicate that the ranges reported for pH, TSS, Fe, and Mn are within the effluent limitations in the TCEQ TPDES Permit No. 02653. Based on Staff's review of these records, for Pond 026, the average pH, TSS, Fe, and Mn were 7.1 s.u.(standard units) for pH, 8.9 mg/L for TSS, 0.8 mg/L (allowable daily maximum) for Fe, and 0.1 mg/L for Mn (allowable daily maximum). The average values are within the standards for the TCEQ TPDES discharge permit of 6.0-9.0 s.u. for pH, 35 mg/L allowable daily average/70 mg/L allowable daily maximum for TSS, 6.0 mg/L allowable daily maximum for Fe, and 2.0 mg/L allowable daily maximum for Mn. For Pond 030, the average pH, TSS, Fe, and Mn concentrations were 7.3 s.u., pH, 11.1 mg/L, TSS, 0.7 mg/L, Fe, and 0.1 mg/L, Mn, values also within effluent limitations. Based upon this record of sampling, the proposed release area is not contributing suspended solids to stream flow or runoff outside of the release permit area in excess of required performance standards [§12.313(a)(2)].

- (ii). Staff has reviewed stream monitoring data provided by TWCC for upstream/undisturbed long-term surface water monitoring (LTSM) station I-001 (Alligator Creek) for the period of record October 1998 –June 2014 and for a similar period of record, October 1998 – September 2014, for downstream/disturbed LTSM stations (E-007, Silver Creek, and E-008, Rena Branch). In its TA, Staff compared average pH, TDS (total dissolved solids), flow, TSS, Fe, and Mn values and flow-weighted average TDS concentrations to stream segment standards for Segment 0804 of the Trinity River. The average annual pH values for the two downstream/disturbed LTSM stations (E-007, Silver Creek, and E-008, Rena Branch) for the periods of record were within the 6.5-9.0 standard units (s.u.) required for Stream Segment No. 0804 of the Trinity River. The values were similar to the upstream/undisturbed station I-001 for the period of record on Alligator Creek. In addition, the average TDS concentrations as well as the flow-weighted average TDS concentrations for the disturbed/downstream stations for the periods of record were below the maximum annual average concentration 600 mg/L requirement for Stream Segment No. 0804 of the Trinity River.

- (iii). Staff provided a table of baseline data (from Table 129-11 in the Permit No. 32D Renewal/Revision Application, October 1992) and compared the baseline values for the period of record October 1986 – July, 1987 for baseline station SW-13 on Silver Creek and baseline station SW-15 on Rena Branch to the records from downstream/disturbed stations E-007 and E-008. TDS flow-weighted average, pH, TDS, TSS, total Fe, and total Mn appear to be similar. The application, as supplemented, and Staff review in its TA as supplemented, demonstrate that there have been no deleterious effects on Stream Segment 0804 of the Trinity River.
 - iv. Staff also examined the quantity of surface water in its Cumulative Hydrologic Impact Assessment document (CHIA). Although stormwater will be attenuated, and flows will be more sustained, there will be no significant effect on water quantity based on the large amount of stormwater runoff originating in the cumulative impact drainage areas.
- 15. Groundwater has been protected in accordance with §12.348 for the areas requested for Phase III release. TWCC submitted information for the overburden, spoil and underburden aquifers within and adjacent to the areas requested for release. Long-term monitoring data reviewed by Staff on a quarterly basis for the overburden and underburden hydrologic units in areas within the mine do not indicate that any significant impacts have occurred to water quantity and quality.
 - (a). Based on TWCC's consultant's hydrology report and Staff review, the premine overburden water-bearing strata of the Carrizo aquifer in the reclaimed area have been destroyed; premine, however, they contained only minor aquifers. The underburden aquifers are separated from the mined areas by clays of five feet or more in thickness. Below these underclays are shallow water-bearing underburden units that are thin silty sand lenses, clays, and lignite stringers (Interval S60). The shallowest significant aquifer units are sedimentary units of the lower Calvert Bluff and Simsboro Formations (Interval S70).
 - (b). The application also includes TWCC's groundwater assessment that includes a summary review of quarterly groundwater monitoring data for water level and groundwater chemistry. Staff in its TA includes a review of quarterly long-term monitoring data from nine long-term groundwater

monitoring (LTGM) wells, including one spoil monitoring well, installed in the vicinity of the areas requested for Phase III release. This well shows measurable increases in water table elevation since mining ended as well as levels that are stabilizing with only slight rises and falls in water levels that can be attributed to seasonal changes or longer term cyclic meteorological influences to the water table in the vicinity of the well. Monitored wells in the adjacent overburden and interburden experienced a period of water level drawdown. All the monitored intervals show water level recovery and no permanent adverse water quality or water level effects due to surface mining activities.

- (c). Reclaimed spoil area water quality appears to have followed trends expected based on predictions in the Probable Hydrologic Consequences (PHC) determination for this mine and Staff's Cumulative Hydrologic Impact Assessment (CHIA). The median TDS concentration in reclaimed Area D spoil area Well D7930-S1 is 773 mg/L. In an adjacent downgradient Carrizo LTGM well, Well DA86-5A, TDS concentrations are lower, with a median of 246 mg/L and values that appear to be peaking at 280 mg/L. Chloride levels have increased; Staff believes that gas well drilling in the area may be resulting in an increase in chlorides. Sulfate concentrations have remained relatively constant in the Carrizo sediments adjacent to the Area D mine block. Overburden monitoring wells in the Calvert Bluff S50 hydrogeologic interval (100-150 feet in depth) exhibit low TDS concentrations and no changes are apparent in sulfate or chloride concentrations. No adverse effects caused by mining are discernible in Carrizo or Calvert Bluff units. Underburden wells in the S60 and S70 intervals (DA86-5D, DX671.5-305-5D, DA86-5E, and DX761.5-305.5UB) have not been adversely affected by mining. TDS concentrations are low, ranging from 159 mg/L to 356 mg/L with a median value of 240 mg/L and sulfate and chloride concentrations that have remained nearly constant over the period of record of each well.
- (d). As documented in Commission inspection records, all cased boreholes have been plugged in accordance with Commission guidelines except for those wells still being used for monitoring and reporting purposes.
- (e). Staff's CHIA for the Turlington Mine (Permit No. 54) in its TA Addendum No. 4 dated May 14, 2010 included an assessment of the cumulative effects of all anticipated mining in the portion of

the Trinity River Basin that included the areas proposed for Phase III release. Potential increases in TDS in receiving streams were expected to be minimal and still below the maximum annual average applicable to the stream segment examined for the Trinity River and for downstream USGS Location No. 08065000 on the Trinity River. Impacts on water quantities were determined to be minimal. Staff review indicates that information contained in the application follows expected effects noted in the CHIA. No groundwater problems have been noted that would preclude release of Phase III reclamation obligations for the 247-acre areas.

16. The reclamation cost estimate for the currently accepted bond is based on the “worst-case” pit method of calculation that assumes that reclamation is contemporaneous. For this method, estimated costs are generally not based on a per-acre cost. The cost estimate is based on the worst-case pit and reclamation of all temporary structures. Soil preparation, revegetation, and maintenance costs, however, are retained on a per-acre basis should revegetation fail and have to be repeated. The only costs attributable to the areas requested for release that are applicable for inclusion in a calculation of eligible bond reduction are the costs for soil preparation, revegetation, and maintenance (\$791/acre) attributable to the area requested for Phase III release, 247 acres. The eligible bond reduction amount is calculated as follows: \$791 per acre, x 247 acres, or \$195,377, plus 10% for administrative costs, \$19,537.70, for a total of \$214,914.70.
17. TWCC has not requested an adjustment to the approved bonds at this time. No replacement bond instrument has been filed.
18. All acres requested for release were marked in the field to distinguish them from active mining and reclamation areas.
19. Open meeting notice has been posted for consideration of this application.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the following Conclusions of Law are made:

1. Proper notice was provided for this request for release of reclamation obligations.

2. A public hearing on the request is not warranted.
3. TWCC has complied with all applicable provisions of the Act and the Regulations for release of reclamation obligations for the areas requested for release as set out in the Findings of Fact.
4. The Commission may approve release of Phase III reclamation obligations for completion of the ERP and for protection of surface water and groundwater for 247 acres;
5. Based on Finding of Fact No. 13, insufficient proof has been submitted that all requirements for Phase II release for 171.7 acres have been met. The Commission may deny release of Phase II requirements for the 171.7 acres, without prejudice.
6. The Commission determines an eligible bond reduction amount of \$214,914.70.

IT IS THEREFORE ORDERED BY THE RAILROAD COMMISSION OF TEXAS that the above Findings of Fact and Conclusions of Law are adopted;

IT IS FURTHER ORDERED that a release of Phase II reclamation obligations for 171.7 acres is hereby denied, without prejudice;

IT IS FURTHER ORDERED that a release of Phase III reclamation obligations for 247.0 acres is hereby approved;

IT IS FURTHER ORDERED that all areas released from reclamation obligations shall remain clearly marked in the field with permanent boundary markers maintained to distinguish these areas at all corners and angle points from active mining and reclamation areas in accordance with this ORDER;

IT IS FURTHER ORDERED that the Commission approves an eligible bond reduction amount for the Phase III releases in the amount of \$214,914.70;

IT IS FURTHER ORDERED that the current bonds remain in effect according to their terms until

replacement bonding is approved by the Commission;

IT IS FURTHER ORDERED that the Commission may vary the total amount of bond required from time to time as affected land acreage is increased or decreased or where the cost of reclamation changes; and

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 three days after the date on which the notice is mailed. If a timely motion for rehearing is filed by any party of interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order shall be subject to further Commission action. As provided by 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 the order.

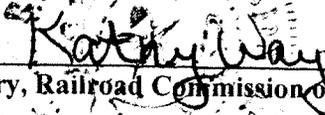
SIGNED this 14th day of July, 2015.

RAILROAD COMMISSION OF TEXAS


CHAIRMAN DAVID PORTER


COMMISSIONER CHRISTI CRADDICK


COMMISSIONER RYAN SITTON

ATTEST

Secretary, Railroad Commission of Texas

