



RAILROAD COMMISSION OF TEXAS

OFFICE OF GENERAL COUNSEL

MEMORANDUM

TO: Chairman David Porter
Commissioner Christi Craddick
Commissioner Ryan Sitton

FROM: Haley Cochran, Attorney— General Counsel Section
Office of General Counsel 

THROUGH: Alexander C. Schoch, General Counsel 

DATE: November 29, 2016

SUBJECT: Proposed Amendment of 16 TAC §§2.1, 7.315,
7.7101, 8.210, 8.301, and 18.11, to update the
Commission's domain name.

December 6, 2016		
Approved	Denied	Abstain
		

Attached is Staff's recommendation to publish proposed amendments to 16 Tex. Admin. Code §§2.1, 7.315, 7.7101, 8.210, 8.301, and 18.11. The amendments are proposed to correct outdated references to Commission web pages and email addresses.

Staff requests the Commission's approval to publish the proposed amendments in the *Texas Register* for a 30-day comment period. If approved at conference on December 6th, the proposal should appear in the December 23, 2016 issue of the *Texas Register*. The proposal and an online comment form would also be made available on the Commission's website the day after conference, giving interested persons more than two additional weeks to review and submit comments to the Commission.

cc: Kimberly Corley, Executive Director
Wei Wang, Chief Financial Officer

1 The Railroad Commission of Texas (Commission) proposes to amend §2.1, relating to Informal
2 Complaint Procedure, to correct a reference to the Commission's website.

3 Kari French, Director, Oversight and Safety Division, has determined that for each year of the
4 first five years the proposed amendment will be in effect, there will be no fiscal effect on state or local
5 government or persons required to comply as a result of the proposed amendment.

6 Ms. French has determined that for each year of the first five years that the amendment will be in
7 effect the primary public benefit would be the correction in the rule of an outdated reference.

8 The Commission has determined that the proposed amendment will not have an adverse
9 economic effect on small businesses or micro-businesses.

10 The Commission has also determined that the proposed amendment will not affect a local
11 economy. Therefore, the Commission has not prepared a local employment impact statement pursuant to
12 Texas Government Code, §2001.022.

13 The Commission has determined that the amendment does not meet the statutory definition of a
14 major environmental rule as set forth in Texas Government Code, §2001.0225(a); therefore, a regulatory
15 analysis conducted pursuant to that section is not required.

16 Comments on the proposal may be submitted to Rules Coordinator, Office of General Counsel,
17 Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967; online at
18 www.rrc.texas.gov/legal/rules/comment-form-for-proposed-rulemakings; or by electronic mail to
19 rulescoordinator@rrc.texas.gov. The Commission will accept comments until noon (12:00 p.m.) on
20 Monday, January 23, 2017, which is 31 days after publication in the *Texas Register*. The Commission
21 finds that this comment period is reasonable because the proposal and an online comment form will be
22 available on the Commission's web site more than two weeks prior to *Texas Register* publication of the
23 proposal, giving interested persons additional time to review, analyze, draft, and submit comments. The
24 Commission encourages all interested persons to submit comments no later than the deadline. The

1 Commission cannot guarantee that comments submitted after the deadline will be considered. For further
2 information, call Ms. French at (512) 463-8559. The status of Commission rulemakings in progress is
3 available at www.rrc.texas.gov/legal/rules/proposed-rules.

4 The Commission proposes the amendment pursuant to Texas Natural Resources Code §81.058,
5 which authorizes the Commission to impose an administrative penalty against a purchaser, transporter,
6 gatherer, shipper, or seller of natural gas who is a party to an informal complaint resolution proceeding
7 and is determined by the Commission to have failed to participate in the proceeding or failed to provide
8 information requested by the mediator in the proceeding. Section 81.058 also authorizes the Commission
9 to impose an administrative penalty against a purchaser, transporter, or gatherer of natural gas if the
10 Commission determines the person engaged in prohibited discrimination against a shipper or seller
11 because the shipper or seller filed a formal or informal complaint with the Commission.

12 Texas Natural Resources Code §81.058 is affected by the proposed amendments.

13 Statutory Authority: Texas Natural Resources Code §81.058.

14 Cross-reference to statute: Texas Natural Resources Code §81.058.

15
16 §2.1. Informal Complaint Procedure.

17 (a) - (d) (No change.)

18 (e) Informal complaint process.

19 (1) An informal complaint proceeding is initiated by filing a complaint with the
20 Commission by:

21 (A) (No change.)

22 (B) submitting a complaint in writing by:

23 (i) - (ii) (No change.)

24 (iii) internet submission by accessing the online form on the Gas

1 **Services page of the Commission's website** [following URL: [http://www.rrc.state.tx.us/](http://www.rrc.state.tx.us/divisions/gc/mos/complaints/icp.html)
2 [divisions/gc/mos/complaints/icp.html](http://www.rrc.state.tx.us/divisions/gc/mos/complaints/icp.html)].

3 (2) - (13) (No change.)

4 (f) - (h) (No change.)

5 This agency hereby certifies that the proposal has been reviewed by legal counsel and found to
6 be within the agency's authority to adopt.

7 Issued in Austin, Texas on December 6, 2016.

8 Filed with the Office of the Secretary of State on December 6, 2016.



Haley Cochran
Rules Attorney, Office of General Counsel
Railroad Commission of Texas