

**MINUTES
RAILROAD COMMISSION OF TEXAS
FORMAL COMMISSION ACTIONS**

October 1, 2013

After providing notice as required by the Texas Open Meetings Act, the Railroad Commission of Texas held an open meeting at the William B. Travis Building, 1701 N. Congress Avenue, in Room 1-111, Austin, Texas, on Tuesday, October 1, 2013, commencing at 9:32 a.m. Chairman Barry T. Smitherman, Commissioner David Porter and Commissioner Christi Craddick were present. Chairman Smitherman presided.

HEARINGS DIVISION

GAS SERVICES

1. GUD No. 10286: Application filed by Atmos Energy Corporation, Mid-Tex Division for 2012 test year annual interim rate adjustment program for the environs areas. The Commission unanimously approved the Examiner's recommendation.

SURFACE MINING AND RECLAMATION

2. Docket No. C13-0004-SC-04-F: Application of Luminant Mining Company LLC (Luminant) for Phase I release of reclamation obligations, Permit No. 4K, Martin Lake Mine, Rusk and Panola Counties, Texas. The Commission unanimously approved the Examiner's recommendation.

OIL AND GAS

3. O&G 0271793: Application of Chesapeake Operating, Inc. for an exception to 16 TAC §3.37 for the Canucks Lease, Well No. 1H, Newark, East (Barnett Shale) Field, Tarrant County, Texas. The Commission unanimously approved the Examiner's recommendation.

4. O&G 06-0280527: Application of LKD Corp. for a commercial permit to dispose of oil and gas waste by injection into a reservoir productive of oil or gas, McWilliams Bros. Lease, Well No. 2, Penn-Griffith, W. (Pettit, Lo.) Field, Rusk County, Texas. The Commission unanimously approved the Examiner's recommendation.

5. O&G 01-0282610: Application of Petrohawk Operating Company to amend field rules for the Eagleville (Eagle Ford-1) Field, Atascosa, Dimmit, Frio, Gonzales, La Salle, McMullen, Wilson and Zavala Counties, Texas. The Commission passed on this item.

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6. O&G 02-0283238: Application of Petrohawk Operating Company to amend field rules for the Eagleville (Eagle Ford-2) Field, De Witt, Karnes, Lavaca and Live Oak Counties, Texas. The Commission passed on this item.

OIL AND GAS CONSENT AGENDA

The Commission unanimously approved the following consent agenda items:

7. O&G 03-0283753: Application of Clayton Williams Energy, Inc., to amend field rules for the Giddings (Eagleford) Field, Lee County, Texas.

8. O&G 08-0283648: Application of Cimarex Energy Co. to amend and make permanent the field rules for the Ford, West (Wolfcamp) Field, Culberson County, Texas.

9. O&G 09-0283052: Application of Cobra Oil and Gas Corporation to consider a net gas-oil ratio authority and cancel overproduction for the Geer Lease, Well No. 1, in the KRS (Marble Falls) Field, Jack County, Texas.

10. O&G 10-0281321: Application of Linn Operating, Inc. to cancel overproduction for its Bivins A Lease, Well No. 22, Panhandle, West Field, Potter County, Texas.

11. O&G 02-0283391: Application of Sabine Oil & Gas LLC for an exception to 16 TAC §3.32 for the Olsovsky Lease, Well No. 1H, Eagleville (Eagle Ford-2) Field, Lavaca County, Texas.

12. O&G 01-0282709: Application of Murphy Expl. & Prod. Co. - USA, for an exception to 16 TAC §3.32 for the Herbst Unit A, Well No. 1H, Eagleville (Eagle Ford-1) Field, Atascosa County, Texas.

13. O&G 01-0282713: Application of Murphy Expl. & Prod. Co. - USA, for an exception to 16 TAC §3.32 for the BEK Lease, Well No. 1H, Eagleville (Eagle Ford-1) Field, McMullen County, Texas.

14. O&G 01-0282714: Application of Murphy Expl. & Prod. Co. - USA, for an exception to 16 TAC §3.32 for the Carver Unit 1, Well No. 2H, Eagleville (Eagle Ford-1) Field, McMullen County, Texas.

15. O&G 01-0282715: Application of Murphy Expl. & Prod. Co. - USA, for an exception to 16 TAC §3.32 for the Carver Unit 1, Well No. 1H, Eagleville (Eagle Ford-1) Field, McMullen County, Texas.

16. O&G 01-0282716: Application of Murphy Expl. & Prod. Co. - USA, for an exception to 16 TAC §3.32 for the Edwards Unit, Well No. 1H, Eagleville (Eagle Ford-1) Field, McMullen County, Texas.

17. O&G 20-0284204: In Re: P-5 Organization Report of Dyne Oil & Gas Inc. (Operator No. 237938).

18. O&G 20-0283580: In Re: P-5 Organization Report of Beights Services, Inc. (Operator No. 061847).

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19. O & G 7C-0283023: Railroad Commission District 7C, Commission-called review of temporary field rules pursuant to 16 TAC §3.43 for the Lin (Wolfcamp) (53613750) Field, Irion County, Texas.

RULE 15 INACTIVE WELL ITEMS

The Commission unanimously approved the following inactive well items excluding Items # 35, 43 and 45 which have come into compliance and will be dismissed and passed on Items 20, 21, 24 and 25.

20. O&G 20-0281816: In Re: P-5 Organization Report of Nabers, Lynn, The Estate of (Operator No. 598675).

The Commission passed on this item.

21. O&G 20-0284218: In Re: P-5 Organization Report of Midland Energy, Inc. (Operator No. 565460).

The Commission passed on this item.

22. O&G 20-0284583: In Re: P-5 Organization Report of A & P Oil & Gas (Operator No. 000480).

23. O&G 20-0284584: In Re: P-5 Organization Report of Baron Energy Inc. (Operator No. 052969).

24. O&G 20-0284585: In Re: P-5 Organization Report of Barrow-Shaver Resources Co. (Operator No. 053321).

The Commission passed on this item.

25. O&G 20-0284586: In Re: P-5 Organization Report of Concho Oilfield Serv. & Oper. Co. (Operator No. 170164).

The Commission passed on this item.

26. O&G 20-0284587: In Re: P-5 Organization Report of Discovery Petroleum, L.L.C. (Operator No. 220861).

27. O&G 20-0284588: In Re: P-5 Organization Report of Drill-Co., Inc. (Operator No. 228335).

28. O&G 20-0284589: In Re: P-5 Organization Report of Dry Fork Production Co., LLC (Operator No. 229319).

29. O&G 20-0284591: In Re: P-5 Organization Report of First Rock, Inc. (Operator No. 269028).

30. O&G 20-0284592: In Re: P-5 Organization Report of Fort Apache Energy, Inc. (Operator No. 277908).

31. O&G 20-0284593: In Re: P-5 Organization Report of Fortune Operating Company (Operator No. 278766).

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32. O&G 20-0284594: In Re: P-5 Organization Report of G.& S. Landscaping, Inc. (Operator No. 291946).

33. O&G 20-0284595: In Re: P-5 Organization Report of Geopetra Partners, LLC (Operator No. 300824).

34. O&G 20-0284597: In Re: P-5 Organization Report of Hanvey, Don H. Oil Interests Inc (Operator No. 355586).

35. O&G 20-0284598: In Re: P-5 Organization Report of Harrison Interests, Ltd. (Operator No. 360320).

This item has come into compliance and will be dismissed.

36. O&G 20-0284599: In Re: P-5 Organization Report of Harvick, George R. (Operator No. 364200).

37. O&G 20-0284600: In Re: P-5 Organization Report of Hereford, J. A. Industries, Inc. (Operator No. 379753).

38. O&G 20-0284602: In Re: P-5 Organization Report of Jasper Energy, Incorporated (Operator No. 430253).

39. O&G 20-0284603: In Re: P-5 Organization Report of JJ Production (Operator No. 432962).

40. O&G 20-0284604: In Re: P-5 Organization Report of Kallina, Carlton J. (Operator No. 450347).

41. O&G 20-0284605: In Re: P-5 Organization Report of Kinder & Petty (Operator No. 463325).

42. O&G 20-0284606: In Re: P-5 Organization Report of Lucas Energy, Inc. (Operator No. 511924).

43. O&G 20-0284607: In Re: P-5 Organization Report of Maverick Energy Group, Inc. (Operator No. 534219).

This item has come into compliance and will be dismissed.

44. O&G 20-0284608: In Re: P-5 Organization Report of Meeker and Company, Inc. (Operator No. 558961).

45. O&G 20-0284609: In Re: P-5 Organization Report of Muskegon Development Company (Operator No. 596636).

This item has come into compliance and will be dismissed.

46. O&G 20-0284610: In Re: P-5 Organization Report of Myriad Resources Corporation (Operator No. 598292).

47. O&G 20-0284611: In Re: P-5 Organization Report of Orbit Exploration LLC (Operator No. 625548).

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48. O&G 20-0284612: In Re: P-5 Organization Report of Penergy (Operator No. 651174).
49. O&G 20-0284613: In Re: P-5 Organization Report of Phoenix Oil & Gas (Operator No. 664164).
50. O&G 20-0284614: In Re: P-5 Organization Report of Postpeak, LLC (Operator No. 671885).
51. O&G 20-0284615: In Re: P-5 Organization Report of Prime Commodities Operating, LLC (Operator No. 677736).
52. O&G 20-0284616: In Re: P-5 Organization Report of Pumphrey, Walter D. (Operator No. 682839).
53. O&G 20-0284617: In Re: P-5 Organization Report of Reese Wellsite Supervision, LLC (Operator No. 698287).
54. O&G 20-0284618: In Re: P-5 Organization Report of Royko Oil Company (Operator No. 732198).
55. O&G 20-0284619: In Re: P-5 Organization Report of Samurai Operating Co. L.L.C. (Operator No. 745042).
56. O&G 20-0284620: In Re: P-5 Organization Report of Smith, L. C. Production (Operator No. 793130).
57. O&G 20-0284621: In Re: P-5 Organization Report of Soundlogic Prod. & Explor., LLC (Operator No. 802627).
58. O&G 20-0284622: In Re: P-5 Organization Report of Sure Flow Oil & Gas, Inc. (Operator No. 830587).
59. O&G 20-0284624: In Re: P-5 Organization Report of Tidewater Minerals Corporation (Operator No. 859552).
60. O&G 20-0284625: In Re: P-5 Organization Report of U.S.A. Plugging Company (Operator No. 879278).
61. O&G 20-0284627: In Re: P-5 Organization Report of Wilson, Vern Energy Inc. (Operator No. 937060).
62. O&G 20-0284628: In Re: P-5 Organization Report of 5-S Operating (Operator No. 953792).

MASTER DEFAULT ORDERS

The Commission unanimously approved the following default orders:

63. O&G 7B-0281033: Enforcement action against Scully Exploration, LLC (760540) for violation of Statewide Rules on the Fudge (25339) Lease, Well No. 1, Wildcat Field, Lampasas County, Texas; Violation of 16 TAC §§3.3 and 3.14(b)(2).

64. O&G 7B-0280144: Enforcement action against Scully Exploration, LLC (760540) for violation of Statewide Rules on the Hoffpauir Lease, Well No. 3 (723531), Wildcat Field, Lampasas County, Texas; Violation of 16 TAC §§3.3, 3.14(b)(2), 3.8(d)(4)(G)(i)(I) and 3.16(b).

65. O&G 7B-0281032: Enforcement action against Wilbourn Energy, Inc. (923128) for violation of Statewide Rules on the Moten Lease, Well No. 12CB (253017), Wildcat Field, Lampasas County, Texas; Violation of 16 TAC §3.14(b)(2).

66. O&G 7B-0279258: Enforcement action against Wilbourn Energy, Inc. (923128) for violation of Statewide Rules on the Atkinson Lease, Well Nos. 2 (247064) and 1 (247263), Toga (Cisco) Field, and the Moten Lease, Well No. 6CB (253127), Wildcat Field, Lampasas County, Texas; Violation of 16 TAC §§3.8(d)(4)(G)(i)(I), 3.13(b)(1)(B) and 3.14(b)(2).

67. O&G 7B-0279471: Enforcement action against Alexander Rasbury, Sole Proprietor, Quantum Investments (684533) for violation of Statewide Rules on the North Reddin Unit (28519) Lease, Well No. 1, Jones County Regular Field, Jones County, Texas; Violation of 16 TAC §§3.3 and 3.14(b)(2) - nunc pro tunc.

AGREED ENFORCEMENT ORDERS

The Commission unanimously approved the following orders:

68. O&G 7B-0283912: US Fuels, Inc. (Operator No. 879264) enforcement action regarding the Mitchell (Drilling Permit 757965) Lease, Well No. 4, Taylor County Regular Field, Taylor County, Texas. Violation of Statewide Rule §3.5.

69. Damage Prevention Docket No. 023435: Alliant Gas, L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2330 Bella Vista (Sierra Madre), Startzville, Comal County, Texas.

70. Damage Prevention Docket No. 023517: Home Construction Solutions enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 725 Columbia St., Houston, Harris County, Texas.

71. Damage Prevention Docket No. 023594: Powell Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 347 E. Whitney St., Houston, Harris County, Texas.

72. Damage Prevention Docket No. 023886: Oscars Custom Iron Works enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 201 Burr Rd. (New Braunfels), San Antonio, Bexar County, Texas.

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73. Damage Prevention Docket No. 024840: Fischer Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 705 E. Colorado St., Bremond, Robertson County, Texas.

74. Damage Prevention Docket No. 024950: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 17202 Timbercliff Ct., (Cypress Orchard Ln.), Cypress, Harris County, Texas.

75. Damage Prevention Docket No. 024952: Standard Utility Construction, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.4(g), at 612 Cattleman's Way, Fort Worth, Tarrant County, Texas.

76. Damage Prevention Docket No. 024970: Summit Fence South enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 18718 Evergreen Falls Dr., Houston, Harris County, Texas.

77. Damage Prevention Docket No. 025123: City of Canton enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 411 W. College St. (Wills Point St.), Canton, Van Zandt County, Texas.

78. Damage Prevention Docket No. 025151: PM Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 1314 Summer St., Houston, Harris County, Texas.

79. Damage Prevention Docket No. 025224: Maddox enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 1330 Old Omen Rd., Tyler, Smith County, Texas.

80. Damage Prevention Docket No. 025325: T Construction, L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 2539 N. Macgregor Way, Houston, Harris County, Texas.

81. Damage Prevention Docket No. 025339: Franco Builders enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 7910 Winston Ranch Pkwy., Richmond, Fort Bend County, Texas.

82. Damage Prevention Docket No. 025350: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 9257 Larston St., Houston, Harris County, Texas.

83. Damage Prevention Docket No. 025361: Harrison Fence Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 13202 Watermist Dr., Pearland, Brazoria County, Texas.

84. Damage Prevention Docket No. 025377: Perez Paving enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 146 Stribling (Mockert), San Antonio, Bexar County, Texas.

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85. Damage Prevention Docket No. 025383: Reliance Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.4(b), at 2218 Bertrand (Rechelle), Houston, Harris County, Texas.
86. Damage Prevention Docket No. 025392: City of Greenville enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 5113 Meadowbrook Dr. (Stonewall), Greenville, Hunt County, Texas.
87. Damage Prevention Docket No. 025429: Freeman Dig A Hole enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at CR 226, Snyder, Scurry County, Texas.
88. Damage Prevention Docket No. 025431: Rogiero Sanchez enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(a) and 18.11(b), at 100 Yucca Trailer Park (Hwy. 90), Del Rio, Val Verde County, Texas.
89. Damage Prevention Docket No. 025434: SRS Construction, L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 717 Rufina St. (Tuscan Village Drive), League City, Galveston County, Texas.
90. Damage Prevention Docket No. 025444: Keystone Concrete enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 3230 Winding Way (High Country Blvd.), Round Rock, Williamson County, Texas.
91. Damage Prevention Docket No. 025471: Texas Comm. Company, L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at 14205 Proton Rd. (Spring Valley Rd.), Farmers Branch, Dallas County, Texas.
92. Damage Prevention Docket No. 025487: AAA Sanitation enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a) and 18.11(b), at 207 S. Dallas (12th), Kemp, Kaufman County, Texas.
93. Damage Prevention Docket No. 025517: Cameron County Drainage District No. 1 enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 2671 Cottage Dr. (La Granja Dr.), Brownsville, Cameron County, Texas.
94. Damage Prevention Docket No. 025554: J-W Gathering Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at CR 1150 & CR 1151 (CR 1151), Tyler, Smith County, Texas.
95. Damage Prevention Docket No. 025556: KB Diversified, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 3005 Pecan Tree (Central Ave.), Denton, Denton County, Texas.
96. Damage Prevention Docket No. 025566: J. D. Abrams, L.P. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at Eldorado/FM720 (Main St.), Little Elm, Denton County, Texas.

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97. Damage Prevention Docket No. 025568: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 518 New Hope, Terrell, Kaufman County, Texas.
98. Damage Prevention Docket No. 025571: Cyfair Fence Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at 1018 Ivory Ridge Ln., Houston, Harris County, Texas.
99. Damage Prevention Docket No. 025572: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4110 College Main St. (Clay St.), Bryan, Brazos County, Texas.
100. Damage Prevention Docket No. 025584: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2667 Madison Ave. (Garfield), Abilene, Taylor County, Texas.
101. Damage Prevention Docket No. 025585: T & D Solutions enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 2667 Madison Ave. (Garfield), Abilene, Taylor County, Texas.
102. Damage Prevention Docket No. 025597: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 10056 Marsh Ln. (Walnut Hill Ln.), Dallas, Dallas County, Texas.
103. Damage Prevention Docket No. 025604: North Houston Pole Line enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at 1130 Sydney Ln. (Evergreen Dr.), League City, Harris County, Texas.
104. Damage Prevention Docket No. 025605: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.8(a) and 18.11(a), at FM 2523, Goodlett, Hardeman County, Texas.
105. Damage Prevention Docket No. 025606: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 253 S. Locust St. (Ingram St.), Sulphur Springs, Hopkins County, Texas.
106. Damage Prevention Docket No. 025609: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4701 Knox, Fort Worth, Tarrant County, Texas.
107. Damage Prevention Docket No. 025610: Atmos Energy, West Texas Division enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at Ventura Dr. & Olympia Dr. (Olympia Dr.), Amarillo, Randall County, Texas.
108. Damage Prevention Docket No. 025615: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1212 Jefferson St. (Russel Dr.), Sulphur Springs, Hopkins County, Texas.

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109. Damage Prevention Docket No. 025619: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 105 S. 8th St. (N.E. College St.), Celeste, Hunt County, Texas.

110. Damage Prevention Docket No. 025620: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(a), at 703 Gordon Country Club Rd. (42nd SW), Paris, Lamar County, Texas.

111. Damage Prevention Docket No. 025627: SAWS enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 307 W. Ansley (Garnett), San Antonio, Bexar County, Texas.

112. Damage Prevention Docket No. 025629: Reytec Construction Resources, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 3204 Bammell Ln., Houston, Harris County, Texas.

113. Damage Prevention Docket No. 025632: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2702 Saltillo St., Laredo, Webb County, Texas.

114. Damage Prevention Docket No. 025639: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4405 Larry Ln. (W. Stephens Dr.), Arlington, Tarrant County, Texas.

115. Damage Prevention Docket No. 025640: West Houston Fence Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 1624 South Primavera Dr. (Scarsdale Blvd. & Blackhawk), Houston, Harris County, Texas.

116. Damage Prevention Docket No. 025646: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(a), at 1205 Archer (Hwy. 422), Seymour, Baylor County, Texas.

117. Damage Prevention Docket No. 025651: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4337 Timberglen Rd., Dallas, Collin County, Texas.

118. Damage Prevention Docket No. 025659: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 112 N. Burnett (Warren), Wichita Falls, Wichita County, Texas.

119. Damage Prevention Docket No. 025661: City of Kilgore enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 513 Green St. (Suzanne), Kilgore, Gregg County, Texas.

120. Damage Prevention Docket No. 025666: Hays Utility Corp South enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 13626 Tanvern Ln., Houston, Harris County, Texas.

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121. Damage Prevention Docket No. 025667: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at Briarcrest & E. 29th St. (E. 29th St.), Bryan, Brazos County, Texas.

122. Damage Prevention Docket No. 025668: WW Tree Farms enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 117 Shadow Wood Dr. (Harpole Rd.), Argyle, Denton County, Texas.

123. Damage Prevention Docket No. 025672: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 7415 Las Colinas, Irving, Dallas County, Texas.

124. Damage Prevention Docket No. 025673: Davis Gas Processing, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.8(a) and 18.11(a), at US 67 & 163 (US 67 & 163), Big Lake, Reagan County, Texas.

125. Damage Prevention Docket No. 025679: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4919 Manett St. (Fitzhugh), Dallas, Dallas County, Texas.

126. Damage Prevention Docket No. 025684: Sierra Foundation Repair enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 110 Live Oak Ln., Lake Jackson, Brazoria County, Texas.

127. Damage Prevention Docket No. 025685: Hernandez Backhoe & Plumbing Services, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at 10117 Sailboard (Bluestem Dr.), McKinney, Collin County, Texas.

128. Damage Prevention Docket No. 025687: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 9438 Spring Hollow (Branch Hollow), Dallas, Dallas County, Texas.

129. Damage Prevention Docket No. 025704: T and R Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b), 18.11(b) and 18.3(e), at 24914 Kuykendahl Rd., Tomball, Harris County, Texas.

130. Damage Prevention Docket No. 025706: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 419 E. McKinney (Bell Place), Denton, Denton County, Texas.

131. Damage Prevention Docket No. 025707: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1035 E. Annie, Fort Worth, Tarrant County, Texas.

132. Damage Prevention Docket No. 025712: Billy Cummings Construction, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(b) and 18.11(b), at 217 Denton St., Roxton, Lamar County, Texas.

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133. Damage Prevention Docket No. 025713: Severn Trent Services enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 19210 Kessington Ln., Houston, Harris County, Texas.

134. Damage Prevention Docket No. 025714: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 201 Tarrant (Lindsey), Bowie, Montague County, Texas.

135. Damage Prevention Docket No. 025716: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 811 S. Bishop (Delaware), Dallas, Dallas County, Texas.

136. Damage Prevention Docket No. 025719: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at Myrtle & Burma (Burma), Jacksonville, Cherokee County, Texas.

137. Damage Prevention Docket No. 025720: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 6626 St. Placidia Dr., Spring, Harris County, Texas.

138. Damage Prevention Docket No. 025722: Atmos Energy, West Texas Division enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 8210 Memphis Ave. (82nd St.), Lubbock, Lubbock County, Texas.

139. Damage Prevention Docket No. 025724: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 122 Griffin St. (Wyatt St.), Waxahachie, Ellis County, Texas.

140. Damage Prevention Docket No. 025726: Atmos Energy, West Texas Division enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 403 N. Robey (W. Adams), Fritch, Hutchinson County, Texas.

141. Damage Prevention Docket No. 025741: City of Pharr Public Utilities enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 413 N. Cage (W. Bell Ave./ N. Cage Blvd.), Pharr, Hidalgo County, Texas.

142. Damage Prevention Docket No. 025745: Renaud Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 908 Dolan Springs Ln. (Brighton Park Ln.), Friendswood, Galveston County, Texas.

143. Damage Prevention Docket No. 025754: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 6200 Blk. CR 376/Morning Side Dr., Tyler, Smith County, Texas.

144. Damage Prevention Docket No. 025755: Atmos Energy, West Texas Division enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 784 & CR 55 (784 & CR 55), Unknown, Hale County, Texas.

145. Damage Prevention Docket No. 025757: Atmos Energy, West Texas Division enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4000 Hwy. 86 (IH-27), Unknown, Hale County, Texas.

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146. Damage Prevention Docket No. 025759: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 5603 Kittridge St., Houston, Harris County, Texas.

147. Damage Prevention Docket No. 025766: West Texas Gas, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at State Hwy. 15 (CR 3), Waka, Ochiltree County, Texas.

148. Damage Prevention Docket No. 025770: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 504 Grand (Ross St.), Waxahachie, Ellis County, Texas.

149. Damage Prevention Docket No. 025773: Randy Herron enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 1400 Iowa (Alexander), Texarkana, Bowie County, Texas.

150. Damage Prevention Docket No. 025774: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.8(a) and 18.11(a), at 1400 Iowa (Alexander), Texarkana, Bowie County, Texas.

151. Damage Prevention Docket No. 025775: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 14250 Sendera Ranch Rd. (Cowbell Ridge Dr.), Fort Worth, Tarrant County, Texas.

152. Damage Prevention Docket No. 025777: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at Holley & FM 17 (FM 182 and FM 17), Alba, Wood County, Texas.

153. Damage Prevention Docket No. 025780: West Texas Gas, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at County Road 7 (FM 281), Etter, Moore County, Texas.

154. Damage Prevention Docket No. 025786: Texas Sterling Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(b), 18.11(b) and 18.11(b), at 4810 Kostoryz (McArdle), Corpus Christi, Nueces County, Texas.

155. Damage Prevention Docket No. 025787: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 3331 N. Ridge (Wooden Acres), Waco, McLennan County, Texas.

156. Damage Prevention Docket No. 025801: Dalgleish Construction Company, LP enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 5227 Tortuga Tr. (Tortuga Pl.), Austin, Travis County, Texas.

157. Damage Prevention Docket No. 025803: Jerdon Enterprises enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at 400 Colorado St. (4th St.), Austin, Travis County, Texas.

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158. Damage Prevention Docket No. 025807: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 307 Pegoda, Trinity, Trinity County, Texas.
159. Damage Prevention Docket No. 025808: City of Lubbock enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 3013 90th (Flint Ave.), Lubbock, Lubbock County, Texas.
160. Damage Prevention Docket No. 025810: Harrison Fence Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.4(b), at 720 Somerset Landing Ln. (Cumberland Ridge), League City, Galveston County, Texas.
161. Damage Prevention Docket No. 025816: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at FM 2348, Mount Pleasant, Titus County, Texas.
162. Damage Prevention Docket No. 025818: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 102 W. Lamar St. (Kentucky & Walker W.), McKinney, Collin County, Texas.
163. Damage Prevention Docket No. 025824: City of Lubbock enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 2107 21st (Ave. U), Lubbock, Lubbock County, Texas.
164. Damage Prevention Docket No. 025828: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2416 Lillian Miller Pkwy. (Loop 288), Denton, Denton County, Texas.
165. Damage Prevention Docket No. 025829: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4400 Green Oaks Blvd. SW (Avila), Arlington, Tarrant County, Texas.
166. Damage Prevention Docket No. 025843: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2521 E. Mitchell St., Arlington, Tarrant County, Texas.
167. Damage Prevention Docket No. 025847: Willbros Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at Tanya Dr., La Porte, Harris County, Texas.
168. Damage Prevention Docket No. 025851: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2500 Throckmorton St. (Brown St.), Dallas, Dallas County, Texas.
169. Damage Prevention Docket No. 025860: Victory Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.4(b), at 309 Nelray Blvd. (Chesterfield Ave.), Austin, Travis County, Texas.

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170. Damage Prevention Docket No. 025867: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4100 S.W. Green Oaks Blvd. (Bama Dr.), Arlington, Tarrant County, Texas.
171. Damage Prevention Docket No. 025868: Metro Pole Setting enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at Hwy. 175 (W. Simmonds), Seagoville, Dallas County, Texas.
172. Damage Prevention Docket No. 025869: S J Louis Construction, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(e) and 18.11(b), at 4801 Partello St. (Partello and Truman), El Paso, El Paso County, Texas.
173. Damage Prevention Docket No. 025873: City of University Park enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 3904 Marquette St. (Tulane), University Park, Dallas County, Texas.
174. Damage Prevention Docket No. 025878: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2008 Stacey Ct. (Lavender Ln.), Arlington, Tarrant County, Texas.
175. Damage Prevention Docket No. 025879: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1919 San Jacinto Dr. (Lamar Blvd.), Arlington, Tarrant County, Texas.
176. Damage Prevention Docket No. 025893: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1406 N. 9th St. (Stratford), Wichita Falls, Wichita County, Texas.
177. Damage Prevention Docket No. 025895: Jimmy Evans Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(e) and 18.11(b), at 5565 Mansions Bluff Rd. (Hwy. 90), San Antonio, Bexar County, Texas.
178. Damage Prevention Docket No. 025905: Southwest Pools & Spa enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at 3106 40th (Galveston), Snyder, Scurry County, Texas.
179. Damage Prevention Docket No. 025924: Doug Moore Fence Works enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 9125 High Oaks Dr., Unknown, Tarrant County, Texas.
180. Damage Prevention Docket No. 025932: CZ Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 3830 Sun Valley Dr., Hockley, Harris County, Texas.
181. Damage Prevention Docket No. 025936: John Floyd Earth Moving enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at Hanks Rd. (Tandy Rd.), Miami, Roberts County, Texas.

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182. Damage Prevention Docket No. 025943: Freeman Dig A Hole enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at Zaragoza Rd. (Zaragoza and Sun Fire), El Paso, El Paso County, Texas.
183. Damage Prevention Docket No. 025948: Huff & Mitchell, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(b) and 18.11(b), at 12400 Dumas (Hwy. 3), Houston, Harris County, Texas.
184. Damage Prevention Docket No. 025953: City of Bogata enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at N. Hudson & 5th St. NE, Bogata, Red River County, Texas.
185. Damage Prevention Docket No. 025957: Northwest Pools of Azle enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 3631 Norfolk Rd., Fort Worth, Tarrant County, Texas.
186. Damage Prevention Docket No. 025958: ARS Rescue Rooter enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 21302 Park Villa Dr., Katy, Harris County, Texas.
187. Damage Prevention Docket No. 025959: Atlas Construction, Corp. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 1518 W. Houston St. (N. Colorado), San Antonio, Bexar County, Texas.
188. Damage Prevention Docket No. 025962: Advantage Plumbing Contractors enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a) and 18.11(b), at 700 W. Monroe (S. 2nd St.), Austin, Travis County, Texas.
189. Damage Prevention Docket No. 025969: Space City Plumbing, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 1512 Neptune (Torry Pines), Houston, Harris County, Texas.
190. Damage Prevention Docket No. 025978: T Construction, L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at 1606 Diablo Dr. (Lente Circle), Crosby, Harris County, Texas.
191. Damage Prevention Docket No. 025984: All-State Fence Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 1802 Kensington Ln. (Polo Pkwy.), Midland, Midland County, Texas.
192. Damage Prevention Docket No. 025986: Atmos Energy, West Texas Division enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1802 Kensington Ln. (Polo Parkway), Midland, Midland County, Texas.
193. Damage Prevention Docket No. 025987: Noble Petro enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 12325 N. Fwy., Houston, Harris County, Texas.

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194. Damage Prevention Docket No. 025989: Mission Site Services, L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at 1400 Bounds (Bateman), Celina, Collin County, Texas.

195. Damage Prevention Docket No. 026009: Mr. Rooter Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 11 Woodsborough Cir., Houston, Harris County, Texas.

196. Damage Prevention Docket No. 026012: Adventure Playground Systems enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 1431 Brittmoore Rd., Houston, Harris County, Texas.

197. Damage Prevention Docket No. 026083: Derryberry Mechanical Contractors enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 20635 Kuykendahl Rd., Spring, Harris County, Texas.

198. Damage Prevention Docket No. 026084: C & L Underground Construction, L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), and 18.11(b), at 6816 Slide, Lubbock, Lubbock County, Texas.

199. Damage Prevention Docket No. 026093: Jhabores Const. Co., Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 1013 Bluff Dr. (Moore Ave.), Portland, San Patricio County, Texas.

200. Damage Prevention Docket No. 026099: KGC Contracting, L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 8009 Villefranche (Sete), Corpus Christi, Nueces County, Texas.

201. Damage Prevention Docket No. 026106: BC Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 200 block Shady Grove Loop, Hudson, Angelina County, Texas.

202. Damage Prevention Docket No. 026120: Miller Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 8915 Gothic Dr., Universal City, Bexar County, Texas.

203. Damage Prevention Docket No. 026148: Falcon Lease Operating Co. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 701 Charleston Dr., Victoria, Victoria County, Texas.

ADMINISTRATIVE MATTERS

EXECUTIVE OFFICE

204. Issues regarding operations in the Barnett, Eagle Ford, and other shale trends. There was no update given.

205. Issues related to the management and operation of the agency. The Commission received an update from the Executive Director Milton Rister.

206. Consideration and possible amendment of the Commission's policy regarding delegation of authority to staff.

The Commission unanimously approved staff's recommendation.

COMMISSIONERS

Chairman Smitherman

207. Pending and/or contemplated litigation, rulemakings, and other actions initiated by or involving the U.S. Environmental Protection Agency, U.S. Department of Interior, U.S. Department of Transportation, and other federal agencies that may impact the State of Texas, including, but not limited to, the energy, pipeline, and natural resource industries.

The Commission received an update from General Counsel Lindil Fowler.

EXECUTIVE SESSION

208. The Commission may enter in to closed Executive Session for discussion and consideration of items posted on this agenda notice which involve: (a) pending or contemplated litigation matters or settlement offers requiring consultation with or advice from the Commission's attorney, pursuant to Texas Government Code §551.071(1); (b) a matter in which the duty of the Commission's attorney to the Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code, pursuant to Texas Government Code §551.071(2); (c) a negotiated contract for a prospective gift or donation to the State or to the Commission, pursuant to Texas Government Code §551.073; (d) personnel matters, including the appointment, employment, or dismissal of a public officer or employee, pursuant to Texas Government Code §551.074; (e) security matters related to the deployment of, or specific occasions for the implementation of, security personnel or devices, pursuant to Texas Government Code §551.076; or (f) other matters as permitted pursuant to Chapter 551 of the Texas Government Code. The Commission will reconvene following Executive Session for discussion of items considered in closed session and to take any final actions or vote on such matters in accordance with Texas Government Code §551.102.

The Commission passed on this item.

PUBLIC INPUT

209. The Commission will provide an opportunity for general public input on any matter under the jurisdiction of the Commission, in accordance with the policy adopted on September 7, 2005.

The conference was adjourned at 9:52 a.m.