

BARRY T. SMITHERMAN, CHAIRMAN
DAVID PORTER, COMMISSIONER
BUDDY GARCIA, COMMISSIONER

RAILROAD COMMISSION OF TEXAS FORMAL COMMISSION ACTIONS

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, April 24, 2012, commencing at 9:31 a.m. Chairman Barry T. Smitherman, Commissioner David Porter and Commissioner Buddy Garcia were present. Chairman Smitherman presided.

OFFICE OF GENERAL COUNSEL-HEARINGS SECTION

GAS SERVICES PROTESTED

1. GUD No. 10021, Statement of intent of AgriTexGas, L.P. to increase rates for gas service in Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Cochran, Crosby, Dawson, Deaf Smith, Dickens, Donley, Floyd, Gaines, Garza, Hale, Hall, Hockley, Kent, Lamb, Lubbock, Lynn, Motley, Oldham, Parmer, Potter, Randall, Swisher, Terry and Yoakum Counties, Texas.

Chairman Smitherman and Commissioner Garcia voted to adopt the Examiners recommendation as amended by the Commission. The amendment resulted in an assumed capital structure of 50% debt, with a 7% cost of debt, and 50% equity, with a 10.85% cost of equity. Commissioner Porter voted against this recommendation..

SURFACE MINING AND RECLAMATION

2. Docket No. C12-0022-SC-26-E: Application by Texas Municipal Power Agency for acceptance of replacement reclamation performance bond, Permit No. 26D, Gibbons Creek Lignite Mine, Grimes County, Texas.

The Commission unanimously voted to approve the examiners recommendation.

3. Docket No. C12-0023-SC-38-E: Application by Texas Municipal Power Agency for acceptance of replacement reclamation performance bond, Permit No. 38D, Gibbons Creek Lignite Mine V, Grimes County, Texas.

The Commission unanimously voted to approve the examiners recommendation.

OIL AND GAS PROTESTED

4. O&G 05-0274316: Trend Gathering & Treating, LP to consider a sour gas pipeline pursuant to Statewide Rule 106, King Sour Station 8" Discharge Pipeline, Bear Grass Field Area, Leon County, Texas.

The Commission unanimously voted to approve the examiners recommendation.

5. O&G 01-0275045: Cheyenne Energy Services, L.L.C. to consider a sour gas

pipeline, pursuant to Statewide Rule 106, Auld Shipman Low Pressure Gathering System, Eagleville (Eagle Ford-1) Field, La Salle County, Texas.

The Commission unanimously voted to approve the examiners recommendation.

6. O&G 01-0273123: Catarina Salt Water Disposal, L.L.C. commercial application to dispose of oil and gas waste by injection into a porous formation not productive of oil or gas, Cat-Fowlerton SWD Lease, Well No. 1, Eagleville (Eagle Ford) (27135500) Field, La Salle County, Texas.

The Commission unanimously voted to approve the examiners recommendation.

7. O&G 01-0273124: Catarina Salt Water Disposal, L.L.C. commercial application to dispose of oil and gas waste by injection into a porous formation not productive of oil or gas, Cat-Fowlerton SWD Lease, Well No. 2, Eagleville (Eagle Ford) (27135500) Field, La Salle County, Texas.

The Commission unanimously voted to approve the examiners recommendation.

8. O&G 08-0272068: Berkshire Holdings, L.L.C. commercial application for a permit to dispose of oil and gas waste by injection into a porous formation not productive of oil or gas, B & H SWD Lease, Well No. 1D, Wemac (Wolfcamp) Field, Andrews County, Texas.

The Commission unanimously voted to approve the examiners recommendation.

9. O&G 0273962: XTO Energy, Inc. to consider an exception to Statewide Rule 37 for the Rose A Unit, Well No. 9H, Newark, East (Barnett Shale) Field, Tarrant County, Texas.

The Commission unanimously voted to approve the examiners recommendation.

10. O&G 0273242: XTO Energy, Inc. to consider an exception to Statewide Rule 37 for the Rose A Unit, Well No. 3H, Newark, East (Barnett Shale) Field, Tarrant County, Texas.

The Commission unanimously voted to approve the examiners recommendation.

MOTION FOR REHEARING

11. O&G 02-0272528: Preferred Fluids Management, L.L.C. commercial application to dispose of oil and gas waste by injection into a porous formation not productive of oil or gas, Beta SWD Lease, Well No. 1, Austin Pierce (Austin Chalk) Field, De Witt County, Texas.

The Commission unanimously voted to approve the examiners recommendation.

12. O&G 02-0272530: Preferred Fluids Management, L.L.C. commercial application to dispose of oil and gas waste by injection into a porous formation not productive of oil or gas, Beta SWD Lease, Well No. 2, Austin Pierce (Austin Chalk) Field, De Witt County, Texas.

The Commission unanimously voted to approve the examiners recommendation.

AGREED ENFORCEMENT ORDERS

The Commission unanimously approved the following agreed orders:

13. O&G 09-0266815: Devon Energy Production Co, L.P. enforcement action regarding (216378) Operator, Lestat Proctor Property Lease, Landfarm Sites Field, Wise County, Texas. Violation of Statewide Rule 8.
14. O&G 09-0269171: Devon Energy Production Co, L.P. enforcement action regarding (216378) Operator, Teresa Goerz Property Lease, Minor Permit Nos. 09-2253 & 09-2254 Cell Nos. A1 & A2 Landfarm Disposal Sites Field, Wise County, Texas. Violation of Statewide Rule 8.
15. O&G 02-0260559: KCS Resources, Inc. enforcement action regarding Johnston Lease, Well No. 1 (0531455) Permit, Wildcat (00004001) Field, Bee County, Texas. Violation of Statewide Rules 14 and 16.
16. LP-Gas Docket No. 2276: Amerigas Propane, L.P. enforcement action for violation of LP-Gas Safety Rule §9.132, at K & J Bat, LLC d/b/a Fast Stop, 612 Plantation, Clute, Brazoria County, Texas.
17. LP-Gas Docket No. 2318: TSW Energy, L.L.C. enforcement action for violation of LP-Gas Safety Rule §9.208, at Bobtail Delivery Unit located at TSW Energy, L.L.C., 300 T & P Lane, Abilene, Taylor County, Texas.
18. LP-Gas Docket No. 2320: TYL Propane, Inc. enforcement action for violation of LP-Gas Safety Rule §9.202(a), at Bobtail Delivery Units located at TYL Propane, Inc., 4004 N. County Road West, Odessa, Ector County, Texas.
19. LP-Gas Docket No. 2324: Lancer Propane, L.L.C. enforcement action for violation of LP-Gas Safety Rule §9.202(a), at Bobtail Delivery Unit located at Lancer Propane, L.L.C., Porter Home Depot, Porter, Montgomery County, Texas.
20. Damage Prevention Docket No. 007348: Turn Key Event Rental & Design, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 3100 Hwy. 35 C By-Pass (FM 1462), Houston, Harris County, Texas.
21. Damage Prevention Docket No. 007412: Doughtie Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 6804 FM 1130, Orange, Orange County, Texas.
22. Damage Prevention Docket No. 007416: Doughtie Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at Highway 1130 (Chase Hollow), Orange, Orange County, Texas.
23. Damage Prevention Docket No. 007602: Jerry Cargill enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 711 Wiley Ave. (University), Marshall, Harrison County, Texas.
24. Damage Prevention Docket No. 007665: City of Palmer enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 204 E. Denton St., Palmer, Dallas County, Texas.

25. Damage Prevention Docket No. 007711: Magee Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 211 Pinewood (Pinewood at Rosebrook), Whitehouse, Smith County, Texas.
26. Damage Prevention Docket No. 007789: Vaquez Excavating enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 4525 Felicity (Felicity and Chaparral Heights Crossing), Austin, Travis County, Texas.
27. Damage Prevention Docket No. 007830: Johnson Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 801 E. Old Greenville Rd. (Cemetery), Royse City, Rockwall County, Texas.
28. Damage Prevention Docket No. 007852: Pfeiffer & Son, L.T.D. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 2902 Kirby (Kipling), Houston, Harris County, Texas.
29. Damage Prevention Docket No. 007900: Weir Brothers, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 6100 E. Northwest Hwy., Dallas, Dallas County, Texas.
30. Damage Prevention Docket No. 015962: John Moore Services enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b), and 18.11(b), at 18146 Westlock Ct., Tomball, Harris County, Texas.
31. Damage Prevention Docket No. 017041: NTS Communications, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 6615 Huron Ave. (68th St.), Lubbock, Lubbock County, Texas.
32. Damage Prevention Docket No. 017224: Doughtie Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a) and 18.11(b), at Sheffield, Nacogdoches, Nacogdoches County, Texas.
33. Damage Prevention Docket No. 018251: Mark Sterling Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 127 County Rd. 4015 (Marlin), Chilton, Falls County, Texas.
34. Damage Prevention Docket No. 018535: John Moore Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 13607 Fernhill Dr., Sugar Land, Fort Bend County, Texas.
35. Damage Prevention Docket No. 018567: Rainy Pool Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 1813 Barbara Ct., Deer Park, Harris County, Texas.
36. Damage Prevention Docket No. 018701: Willbros Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at RR 1472 (Briscoe Ranch Rd.), Botines, Webb County, Texas.
37. Damage Prevention Docket No. 018748: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 220 Kerby St. (UTA), Arlington, Tarrant County, Texas.

38. Damage Prevention Docket No. 018751: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2501 Sedona St. (Woodriver), Mansfield, Tarrant County, Texas.
39. Damage Prevention Docket No. 018757: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1836 Anna Dr. (Brookhollow Dr.), Irving, Dallas County, Texas.
40. Damage Prevention Docket No. 018766: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 405 E. 2nd St. (N. Ave D), Burkburnett, Wichita County, Texas.
41. Damage Prevention Docket No. 018776: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 3950 Justin Rd., Flower Mound, Denton County, Texas.
42. Damage Prevention Docket No. 018793: Martinez Bros. Contractors, L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b), and 18.11(b), at 4118 Durazno (Bownz), El Paso, El Paso County, Texas.
43. Damage Prevention Docket No. 018794: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 2103 Hillside Cir., Bryan, Brazos County, Texas.
44. Damage Prevention Docket No. 018804: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1017 Osborne Ln. (Hampshire), Fort Worth, Tarrant County, Texas.
45. Damage Prevention Docket No. 018805: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at Ave B (4th St.), Burkburnett, Wichita County, Texas.
46. Damage Prevention Docket No. 018813: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2714 Brookway, College Station, Brazos County, Texas.
47. Damage Prevention Docket No. 018814: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1440 W. Villa Maria Rd. (FM 2818), Bryan, Brazos County, Texas.
48. Damage Prevention Docket No. 018837: City of Bryan enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 2342 West Briargate Dr., Bryan, Brazos County, Texas.

49. Damage Prevention Docket No. 018839: Bryan Texas Utilities enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(e), 18.11(b), and 18.11(b), at 1600 Blk. Bluebonnet St. at Hwy. 21, Bryan, Brazos County, Texas.
50. Damage Prevention Docket No. 018841: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 8000 Malaga Dr. (Woodvale), Lake Worth, Tarrant County, Texas.
51. Damage Prevention Docket No. 018842: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 3205 Turtle Grove Cir., Bryan, Brazos County, Texas.
52. Damage Prevention Docket No. 018846: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 503 FM 359 Rd. (River Trace Dr.), Richmond, Fort Bend County, Texas.
53. Damage Prevention Docket No. 018848: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(a) and 18.8(a), at 6185 Retail Rd. (Skillman), Dallas, Dallas County, Texas.
54. Damage Prevention Docket No. 018849: Willbros Const. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(e), at 1885 CR 2437 (CR 530), Hallettsville, Lavaca County, Texas.
55. Damage Prevention Docket No. 018856: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 3402 W. Miller Rd. (S. Jupiter Rd.), Garland, Dallas County, Texas.
56. Damage Prevention Docket No. 018858: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 780 Miramar (Featherstone), Rockwall, Rockwall County, Texas.
57. Damage Prevention Docket No. 018859: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 321 Thomas Street (Newton Street and Thomas Street), Burleson, Johnson County, Texas.
58. Damage Prevention Docket No. 018865: Kendall the Plumber enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 1410 Clarks Dr. (Pardoner's Dr.), Abilene, Taylor County, Texas.
59. Damage Prevention Docket No. 018867: Hooken R Fabrication enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at Hwy. 131 (Hwy. 277), Eagle Pass, Maverick County, Texas.
60. Damage Prevention Docket No. 018868: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1450 Oldgate (Santa Clara), Dallas, Dallas County, Texas.
61. Damage Prevention Docket No. 018869: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 738 Crawford (Canty), Dallas, Dallas County, Texas.

62. Damage Prevention Docket No. 018870: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 609 S. Durango Cir. (Rochelle Rd.), Irving, Dallas County, Texas.
63. Damage Prevention Docket No. 018871: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at intersection of Buckingham and Timbercreek, Garland, Dallas County, Texas.
64. Damage Prevention Docket No. 018886: H.L. Zumwalt Construction, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 11010 Baywood (Anchor), San Antonio, Bexar County, Texas.
65. Damage Prevention Docket No. 018888: CM Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 6315 Windsong Dr., Arlington, Tarrant County, Texas.
66. Damage Prevention Docket No. 018901: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 515 O'Connor Rd. (Pioneer), Irving, Dallas County, Texas.
67. Damage Prevention Docket No. 018911: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 3939 Springvalley, Addison, Dallas County, Texas.
68. Damage Prevention Docket No. 018912: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1505 Sagebrush Trl. (Reata), Keller, Tarrant County, Texas.
69. Damage Prevention Docket No. 018941: John Moore Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 1819 Hickory St., Houston, Harris County, Texas.
70. Damage Prevention Docket No. 018943: Orange County W.C.I.D. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 2404 Terry St., Orange, Orange County, Texas.
71. Damage Prevention Docket No. 018945: Stiles Electric enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(e), 18.11(b), and 18.11(b), at 1702 S. Adams St. (SW Loop), Carthage, Panola County, Texas.
72. Damage Prevention Docket No. 018978: Brystar Contracting, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at Corley Ave. (5th St.), Beaumont, Jefferson County, Texas.
73. Damage Prevention Docket No. 018983: Shady Grove Mobile Home Park enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 2919 Waldron (Glenoak), Corpus Christi, Nueces County, Texas.

74. Damage Prevention Docket No. 018985: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 528 Ruth Street (Hill Street), Denton, Denton County, Texas.
75. Damage Prevention Docket No. 018986: Slack & Co. Contracting, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b), and 18.11(b), at 2800 Scott (Drew), Houston, Harris County, Texas.
76. Damage Prevention Docket No. 018993: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1001 Stone Cottage (Serenity), McKinney, Collin County, Texas.
77. Damage Prevention Docket No. 018994: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at Winding Creek (Canyon Creek), Highland Village, Denton County, Texas.
78. Damage Prevention Docket No. 018995: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at Eddie (Morton), Denison, Grayson County, Texas.
79. Damage Prevention Docket No. 018996: Lone Star Barrier Services, L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at Eddie (Morton), Denison, Grayson County, Texas.
80. Damage Prevention Docket No. 019000: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 6000 Beth (Windhaven), Plano, Collin County, Texas.
81. Damage Prevention Docket No. 019016: T Johnson Industries, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 105 Jena Ln. (Kathy), Lumberton, Hardin County, Texas.
82. Damage Prevention Docket No. 019029: Flint Energy Services enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at Hwy. 287 (CR 4421), Decatur, Wise County, Texas.
83. Damage Prevention Docket No. 019030: City of Lubbock enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 4507 46th St. (Salem), Lubbock, Lubbock County, Texas.
84. Damage Prevention Docket No. 019034: MP Technologies, L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 1807 Ralston Branch Way (Darmascus Ct.), Sugar Land, Fort Bend County, Texas.
85. Damage Prevention Docket No. 019039: Outlaw Pier Drilling enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a) and 18.11(b), at 4221 FM 2264 (FM 2264), Decatur, Wise County, Texas.
86. Damage Prevention Docket No. 019042: West Texas Gas, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 114th St. (Quaker), Lubbock, Lubbock County, Texas.

87. Damage Prevention Docket No. 019043: Kinder Morgan Production Co., L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.8(a) and 18.11(a), at Hwy. 208 (W. Ennis Creek), Snyder, Scurry County, Texas.
88. Damage Prevention Docket No. 019047: Strike Construction, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at FM 1187 (US Hwy. 377), Fort Worth, Parker County, Texas.
89. Damage Prevention Docket No. 019049: Crosstex NGL Pipeline, L.P. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at FM 1187 (US Hwy. 377), Fort Worth, Parker County, Texas.
90. Damage Prevention Docket No. 019050: City of Pearland enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 1102 Romero Dr. (San Conero Dr.), Pearland, Harris County, Texas.
91. Damage Prevention Docket No. 019056: Texarkana Water Utilities enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 3400 Pine (34th and Pine), Texarkana, Bowie County, Texas.
92. Damage Prevention Docket No. 019063: Atmos Energy, West Texas Division enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at Xeina Rd. (85th St.), Lubbock, Lubbock County, Texas.
93. Damage Prevention Docket No. 019100: Sterling Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 124 CR 4013, Chilton, Falls County, Texas.
94. Damage Prevention Docket No. 019107: Richard Drake Construction Company, L.P. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 705 Beech Street (7th and Beech Street), Bonham, Fannin County, Texas.
95. Damage Prevention Docket No. 019108: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2701 S. IH 35, San Marcos, Hays County, Texas.
96. Damage Prevention Docket No. 019115: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(a), at 3600 Rio Vista St., Houston, Harris County, Texas.
97. Damage Prevention Docket No. 019116: Slagle Utility Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 711 Franklin Ave., Waco, McLennan County, Texas.
98. Damage Prevention Docket No. 019132: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 12924 Nimitz St. (Normandy), Houston, Harris County, Texas.
99. Damage Prevention Docket No. 019139: American Bor-Trench, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 12500 Duncan, Houston, Harris County, Texas.

100. Damage Prevention Docket No. 019141: Highlander Electrical Services, L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at 1103 Fallbrook Dr., Houston, Harris County, Texas.
101. Damage Prevention Docket No. 019145: American Bor Trench enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 12400 Blk. Duncan Rd., Houston, Harris County, Texas.
102. Damage Prevention Docket No. 019146: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 12400 Blk. Duncan Rd., Houston, Harris County, Texas.
103. Damage Prevention Docket No. 019150: City of Kyle Public Works enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 170 Quail Ridge Dr. (E. Post Rd.), Kyle, Hays County, Texas.
104. Damage Prevention Docket No. 019156: Mark Sterling Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 2589 State Hwy. 7, Chilton, Falls County, Texas.
105. Damage Prevention Docket No. 019159: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.8(a) and 18.11(a), at 2100 W. San Antonio St. (West End Ave.), New Braunfels, Comal County, Texas.
106. Damage Prevention Docket No. 019160: DCP Midstream, L.P. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at CR 1050 (RR 307), Unknown, Midland County, Texas.
107. Damage Prevention Docket No. 019162: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(a), at Mendez (McMasters), Alice, Jim Wells County, Texas.
108. Damage Prevention Docket No. 019163: Grey Forest Utilities enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 7015 Hovingham (Dominion Dr.), San Antonio, Bexar County, Texas.
109. Damage Prevention Docket No. 019165: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 335 S. 72nd St. (Benjamin), Houston, Harris County, Texas.
110. Damage Prevention Docket No. 019166: ACE Fence enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 29339 Legends Meade Dr., Spring, Harris County, Texas.
111. Damage Prevention Docket No. 019169: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 3810 River Oaks Dr., Pasadena, Harris County, Texas.

112. Damage Prevention Docket No. 019170: T Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 4701 Clay St., Houston, Harris County, Texas.
113. Damage Prevention Docket No. 019173: Durable Specialties, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 1328 Brown Trl. (Bedford), Bedford, Tarrant County, Texas.
114. Damage Prevention Docket No. 019174: Atmos Energy, West Texas Division enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 118 5th St., Wolfforth, Lubbock County, Texas.
115. Damage Prevention Docket No. 019175: Atmos Energy, West Texas Division enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 7511 CR 3300 (Hwy. 62), Idalou, Lubbock County, Texas.
116. Damage Prevention Docket No. 019178: Atmos Energy, West Texas Division enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 121 Loop 193, Wolfforth, Lubbock County, Texas.
117. Damage Prevention Docket No. 019181: HMW Special Utility District enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a) and 18.11(b), at 18806 Chickadee (Rosewood Trail), Tomball, Harris County, Texas.
118. Damage Prevention Docket No. 019182: Allied Siding and Windows enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 9314 Godstone Ln. (Champions), Spring, Harris County, Texas.
119. Damage Prevention Docket No. 019184: Standard Utility Construction, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 704 Allen Ct. (Aston), Crowley, Tarrant County, Texas.
120. Damage Prevention Docket No. 019191: Buzzard Roost Dirt Works enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.10(b), 18.11(b), and 18.11(b), at FM 1212 (Hwy. 176), Stanton, Martin County, Texas.
121. Damage Prevention Docket No. 019195: Mid-America of Texas, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.10(b), at 1911 Virginia Cir., Denton, Denton County, Texas.
122. Damage Prevention Docket No. 019196: Creek Swabbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b), 18.3(a), and 18.11(b), at RE-1 Ext 2 (I-10 and Hwy. 163), Ozona, Crockett County, Texas.
123. Damage Prevention Docket No. 019197: City of Colorado City enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 989 E. Interstate 20, Colorado City, Mitchell County, Texas.
124. Damage Prevention Docket No. 019200: Casa Mechanical Services enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 178 Campos (Kirby), Kyle, Hays County, Texas.

125. Damage Prevention Docket No. 019202: Smith County Road and Bridge enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 1012 Wilder Woods (Wilder Place Circle), Tyler, Smith County, Texas.

126. Damage Prevention Docket No. 019206: M E Burns Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(e), at Jerri Lane (Cheryl), Haltom City, Tarrant County, Texas.

127. Damage Prevention Docket No. 019218: Atmos Energy, West Texas Division enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(b), 18.11(b), and 18.11(b), at 12511 Morgans Ridge (Morgans Creek), San Antonio, Bexar County, Texas.

128. Damage Prevention Docket No. 019256: Atmos Energy, West Texas Division enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 303 W. Brown St. (Cottonbelt), Wylie, Collin County, Texas.

129. Damage Prevention Docket No. 019266: Elliott Construction, L.T.D. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.4(a), at 3414 Colson (Earl Rudder Fwy.), Bryan, Brazos County, Texas.

OIL AND GAS UNPROTESTED

CONSENT AGENDA

The Commission unanimously approved the following applications:

130. O&G 10-0273209: Samson Lone Star, LLC to amend the permanent field rules for the Mills Ranch (Granite Wash Cons.) Field, Wheeler County, Texas

131. O&G 03-0274246: Navidad Resources, LLC to amend special field rules for the Fort Trinidad, East (Buda) (32157071) Field, Houston and Madison Counties, Texas.

132. O&G 04-0274997: Exaro Energy II, L.L.C. to consolidate the Lyda (Rincon W), Lyda (Rincon 7460 Vxbg.), Lyda (Vicksburg 6350), Lyda (Vicksburg 6670), Lyda (6865 Vicksburg), Lyda (Vicksburg 6940), Lyda (Vicksburg 7800), Lyda (Vicksburg 8100), Lyda (6990 3rd. Vxbg.), Lyda (7000 3rd. Vxbg.), Lyda (7350 3rd Vxbg), Lyda (7570 4th Vxbg) and Lyda (7860 5th Vxbg) Fields into the Lyda (Vicksburg Lower) Field, and to amend the field rules for the Lyda (Vicksburg Lower) Field, Starr County, Texas.

133. O&G 08-0274135: Windsor Permian, L.L.C. to consider an application pursuant to Statewide Rule 32 gas flaring for Big Max 25 NW #6 Tank Battery, Spraberry (Trend Area) (85280300) Field, Andrews County, Texas.

134. O&G 08-0275215: Williams, Clayton Energy, Inc. to consider an application pursuant to Statewide Rule 32 gas flaring Permit No. 10646 for its CHK State 188-13 #1 in the Wolfbone (Trend Area) Field, Reeves County, Texas.

135. O&G 08-0275330: Windsor Permian, L.L.C. to consider an application pursuant to Statewide Rule 32 gas flaring for Big Max 24 NW Lease, #13 Tank Battery (0710485) Permit, Spraberry (Trend Area) Field, Andrews County, Texas.

136. O&G 08-0275331: Windsor Permian, L.L.C. to consider an application pursuant to Statewide Rule 32 gas flaring for Big Max 26 SE No. 9 Tank Battery Lease, Spraberry (Trend Area) Field, Andrews County, Texas.

137. O&G 08-0275332: Windsor Permian, L.L.C. to consider an application pursuant to Statewide Rule 32 gas flaring for Big Max 25 NE #8 Tank Battery Lease, Spraberry (Trend Area) Field, Andrews County, Texas.

138. O&G 09-0275135: Swan PC, L.P. to adopt special field rules for the KRS (Marble Falls) (47941500) Field, Jack County, Texas.

139. O&G 8A-0275546: The Brown, Geo. R. Partnership, L.P. for authority pursuant to Statewide Rule 50 to approve or certify an EOR project for the Post- Montgomery Unit 1 (#60611) Lease, Garza (34113 001) Field, Garza County, Texas.

140. O&G 8A-0275581: Fasken Oil And Ranch, Ltd. for authority pursuant to Statewide Rule 50 to approve or certify an EOR project for the Los Ybanez Spraberry Unit (#69470) Lease, Los Ybanez (Spraberry) (55018 500) Field, Dawson County, Texas.

ADMINISTRATIVE MATTERS

EXECUTIVE OFFICE

141. Issues regarding operations in the Barnett, Eagle Ford, and other shale trends. The Railroad Commission Acting Executive Director Polly McDonald had nothing to report.

142. Issues related to the Sunset Advisory Commission review of the Railroad Commission. The Railroad Commission Acting Executive Director Polly McDonald gave an update.

ALTERNATIVE ENERGY DIVISION

143. Letter from Commissioners to DOE Grant Candidate Fleets. The Commission unanimously approved staff's recommendation.

OFFICE OF GENERAL COUNSEL

144. Briefing on litigation pending in the state and federal district and appellate courts.

Jon Niermann, Chief of the Environmental Protection Division of the Office of the Attorney General, provided a status report to the Commission on pending litigation against the Environmental Protection Agency

COMMISSIONERS

Chairman Smitherman

145. Status Update for Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews, 76 Fed. Reg. 52738 (August 23, 2011), Docket ID No. EPA-HQ-2010-0505.
The Commission heard a status update on this item.

146. Evaluation of candidates for and possible selection of Executive Director
The Commission took no action.

PUBLIC INPUT

147. 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 meeting was adjourned @ 11:37 a.m.