

**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, June 26, 2012, commencing at 1:02 p.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. 10094: Statement of intent of Texas Gas Service Company to change rates within the environs of the North Texas Service Area.

The Commission unanimously approved the examiner's recommendation.

2. GUD No. 10170: Statement of intent filed by Atmos Energy Corp., to increase gas utility rates within the unincorporated areas served by the Atmos Energy Corp., Mid-Tex Division.

The Commission unanimously approved the examiner's recommendation.

3. GUD No. 10174: Statement of intent filed by Atmos Energy Corp., to change gas utility rates within the unincorporated areas served by Atmos Energy Corp., West Texas Division.

The Commission unanimously approved the examiner's recommendation.

GAS SERVICES UNPROTESTED

4. GUD No. 10150: Application of CenterPoint Energy Entex for Test Year 2011 Annual Interim Rate Adjustment Program for the environs of the Houston Division and the Cities of Cut and Shoot, Galena Park, Jacinto City, New Waverly, Panorama Village, Roman Forest, South Houston, Southside Place, West University Place, and Willis.

The Commission unanimously approved the examiner's recommendation.

5. GUD No. 10151: Application of CenterPoint Energy Entex for Test Year 2011 Annual Interim Rate Adjustment Program for the environs of the South Texas Division and the Cities of Beeville, Eagle Lake, Floresville, Goliad, Hallettsville, Kenedy, New Braunfels, Nordheim, Pleasanton, San Diego, Schertz, Selma, Sinton, and Weimar.

The Commission unanimously approved the examiner's recommendation.

6. GUD No. 10162: Application of Atmos Energy Corp., Mid-Tex Division for Test Year 2011 Annual Interim Rate Adjustment Program for the environs areas.

The Commission unanimously approved the examiner's recommendation.

SURFACE MINING AND RECLAMATION

7. Docket No. C10-0021-SC-00-A: Application by Luminant Mining Company LLC, for Surface Coal Mining and Reclamation Permit, Thermo A 1 Area Mine, Hopkins County, Texas.

The Commission unanimously approved the examiner's recommendation.

8. Docket No. C12-0022-SC-00-D: Application by Luminant Mining Company LLC for acceptance of self bond with third party guarantee and indemnity agreement, Thermo Mine A1 Area, Proposed Permit No. 56, Hopkins County, Texas.

The Commission unanimously approved the examiner's recommendation.

OIL AND GAS PROTESTED

MOTION FOR REHEARING

9. O&G 0273242: Application of XTO Energy, Inc. for an exception to 16 TAC §3.37 for the Rose A Unit, Well No. 3H, Newark, East (Barnett Shale) Field, Tarrant County, Texas.

The Commission unanimously approved the examiner's recommendation.

10. O&G 0273962: Application of XTO Energy, Inc. for an exception to 16 TAC §3.37 for the Rose A Unit, Well No. 9H, Newark, East (Barnett Shale) Field, Tarrant County, Texas.

The Commission unanimously approved the examiner's recommendation.

11. O&G 09-0273959: Commission-called hearing to provide Chesapeake Operating, Inc., an opportunity to show cause why Drilling Permit No. 703664 issued November 12, 2010, for the Buffalo Bill Lease, Well No. 1H, Newark, East (Barnett Shale) Field, Johnson County, Texas, should not be declared invalid and/or revoked for failure to provide notice as required by 16 TAC §3.37.

The Commission unanimously approved the examiner's recommendation.

AGREED ENFORCEMENT ORDERS

The Commission unanimously approved the following agreed orders:

12. O&G 04-0275982: Eco Mud Disposal enforcement action regarding (Operator No. 241403) Alice Facility (Permit No. STF-003),"La Trinidad" Santas Moreno Survey, A-300, Jim Wells County. Violation of 16 TAC §3.8(d)(5)(A).

13. O&G 6E-0262376: Exzena Oil Corp. enforcement action regarding (Operator No. 257063) Still, A.L. (07190) Lease, Well Nos. 1, 2, 13 and 15A, East Texas Field, Gregg County, Texas. Violation of 16 TAC §§3.8(d)(1), 3.8(d)(2) and 3.14(b)(2).

14. O&G 6E-0264070: Exzena Oil Corp. enforcement action regarding (Operator No. 257063) Still (08423) Lease, Well No. 18, East Texas Field, Gregg County, Texas. Violation of 16 TAC §3.14(b)(2) and (b)(3).

15. O&G 09-0274460: Titan Operating, L.L.C. enforcement action regarding (Operator No. 860832) Trinity Unit F Lease, Well No. 1H (Drilling Permit No. 710977), Newark, East (Barnett Shale) Field, Tarrant County, Texas, and Trinity Unit J Lease, Well No. 1H (Drilling Permit No. 718329), Newark, East (Barnett Shale) Field, Tarrant County, Texas. Violation of 16 TAC §3.8(d)(1).

16. O&G 09-0274462: Titan Operating, L.L.C. enforcement action regarding (Operator No. 860832) Trinity B Unit Lease, Well No. 1H (Drilling Permit No. 710803), Newark, East (Barnett Shale), Tarrant County, Texas, and Trinity Unit A Lease, Well No. 1H (Drilling Permit No. 711040), Newark, East (Barnett Shale), Tarrant County, Texas. Violation of 16 TAC §3.8(d)(1).

17. O&G 09-0274464: Titan Operating, L.L.C. enforcement action regarding (Operator No. 860832) Miller Unit Lease, Well No. 2H (Drilling Permit No. 722776), Newark, East (Barnett Shale) Field, Parker County, Texas, and Miller Unit Lease, Well No. 3H (Drilling Permit No. 723993), Newark, East (Barnett Shale) Field, Parker County, Texas. Violation of 16 TAC §3.8(d)(1).

18. O&G 09-0274465: Titan Operating, L.L.C. enforcement action regarding (Operator No. 860832) Dixie Lease, Well No. 1H (Drilling Permit No. 702626), Newark East (Barnett Shale) Field, Johnson County, Texas, and Indian Trails Lease, Well No. 1H (Drilling Permit No. 724753), Newark, East (Barnett Shale) Field, Johnson County, Texas. Violation of 16 TAC §3.8(d)(1).

19. O&G 09-0274466: Titan Operating, L.L.C. enforcement action regarding (Operator No. 860832) Prologis SW Unit Lease, Well No. 1H (Drilling Permit No. 708866), Newark, East (Barnett Shale) Field, Denton County, Texas, and Prologis SE Unit, Well No. 1H (Drilling Permit No. 706788), Newark, East (Barnett Shale) Field, Denton County, Texas. Violation of 16 TAC §3.8(d)(1).

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20. O&G 09-0274468: Titan Operating, L.L.C. enforcement action regarding (Operator No. 860832) Prologis NW Unit Lease, Well No. 1H (Drilling Permit No. 708199), Newark, East (Barnett Shale) Field, Denton County, Texas, and Prologis NE Unit Lease, Well No. 1H (Drilling Permit No. 685607), Newark, East (Barnett Shale) Field, Denton County, Texas. Violation of 16 TAC §3.8(d)(1).

21. O&G 09-0274469: Titan Operating, L.L.C. enforcement action regarding (Operator No. 860832) Trinity Unit D Lease, Well No. 1H (Drilling Permit No. 711147) and Trinity Unit E Lease, Well No. 1H (Drilling Permit No. 711157) and Trinity Unit I, Well No. 1H (Drilling Permit No. 71170), Newark, East (Barnett Shale) Field, Tarrant County, Texas. Violation of 16 TAC §3.8(d)(1).

22. O&G 09-0258500: Teppco Crude Pipeline, L.L.C. enforcement action regarding (Operator No. 843093) Teppco Crude Pipe Line Gathering Line, Peggy McQerry Property, Wichita County, Texas. Violation of 16 TAC §§3.8(d)(1), 3.8(d)(5)(a) and 3.20(a)(1).

23. O&G 05-0260880: XTO Energy, Inc. enforcement action regarding (Operator No. 945936) Gail King (074762) Lease, Well No. 1, Bear Grass (Cotton Valley Cons) Field, Leon County, Texas. Violation of 16 TAC §3.14(b)(1).

24. O&G 03-0271602: Texas Brine Company Baytown, L.L.C. enforcement action regarding (Operator No. 844378) Winfree, O.K. III Et al (23493) Lease, Barbers Hill Field, Chambers County, Texas. Violation of Field Rule 2.

25. O&G 03-0271603: Targa Downstream L.P. enforcement action regarding (Operator No. 83603) Fee (11282) Lease, Barbers Hill Field, Chambers County, Texas. Violation of Field Rule 2.

26. O&G 03-0271610: Oneok Hydrocarbon Southwest, L.L.C. enforcement action regarding (Operator No. 623785) Fee (11280) Lease, Barbers Hill Field, Chambers County, Texas. Violation of Field Rule 2.

27. O&G 03-0271611: Mont Belvieu Caverns, L.L.C. enforcement action regarding (Operator No. 576980) North Storage Terminal (15865) Lease, West Storage Terminal (11175) Lease and East Storage Terminal (11102) Lease, Barbers Hill Field, Chambers County, Texas. Violation of Field Rule 2.

28. O&G 03-0271615: Exxonmobil Pipeline Company enforcement action regarding (Operator No. 257129) MT Belvieu Storage (11279) Lease, Barbers Hill (05651001) Field, Chambers County, Texas. Violation of Field Rule 2.

29. O&G 03-0271617: Equistar Chemicals, L.P. enforcement action regarding (Operator No. 253316) Equistar Chemicals, LP (10752) Lease, Barbers Hill Field, Chambers County, Texas. Violation of Field Rule 2.

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30. O&G 03-0271619: LDH Energy Mont Belvieu, L.P. enforcement action regarding (Operator No. 491574) Eott Energy Liquids (10651) Lease, TX Eastern Products PL Co. (10425) Lease and Conoco Mont Belvieu Terminal (12081) Lease, Barbers Hill Field, Chambers County, Texas. Violation of Field Rule 2.

31. Damage Prevention Docket No. 005999: American Communications enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(e), 18.11(b) and 18.11(b), at 7019 Cerca (Heather Hill), Houston, Harris County, Texas.

32. Damage Prevention Docket No. 007338: American Communications enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 11023 Hidden Bend Dr. (Rippling Meadow Dr.), Houston, Harris County, Texas.

33. Damage Prevention Docket No. 007649: AQUA Sprinklers enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 2601 Ave J (27th Street), Galveston, Galveston County, Texas.

34. Damage Prevention Docket No. 007799: Verizon enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 8221 Grand Canyon, Plano, Collin County, Texas.

35. Damage Prevention Docket No. 007944: Lewis Contractors enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 550 Barnes (S. I-35 Access), San Marcos, Hays County, Texas.

36. Damage Prevention Docket No. 009157: 4 Man Services LLC enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(b), 18.11(b) and 18.11(b), at 1123 N. Clinton Ave., Dallas, Dallas County, Texas.

37. Damage Prevention Docket No. 009172: Rain Dance Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 1800 Block of W. 12th (Bowie St.), Texarkana, Bowie County, Texas.

38. Damage Prevention Docket No. 009327: Tri-State Mechanical enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(b), 18.11(b) and 18.11(b), at 2343 Fredrick (Ray Ave.), Port Arthur, Jefferson County, Texas.

39. Damage Prevention Docket No. 009395: City of Wichita Falls enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 1600 Garfield St. (F Ave.), Wichita Falls, Wichita County, Texas.

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40. Damage Prevention Docket No. 009426: City of San Marcos enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at 113 Texas Ave. (IH 35 Access South), San Marcos, Hays County, Texas.

41. Damage Prevention Docket No. 009730: Harris County PCT. 2 enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(e), at 16217 Second St. (Euclid), Channelview, Harris County, Texas.

42. Damage Prevention Docket No. 009759: Huff & Mitchell Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), 18.11(b), at 1006 Vaky St. (Swantner), Corpus Christi, Nueces County, Texas.

43. Damage Prevention Docket No. 009802: Circle C Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(a), 18.11(b) and 18.11(b), at 2603 Florence Rd. (Judge Bland), Southlake, Tarrant County, Texas.

44. Damage Prevention Docket No. 009840: Big Man Development LLC enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(b), 18.11(b) and 18.11(b), at 3240 E. Trinity Mills, Carrollton, Dallas County, Texas.

45. Damage Prevention Docket No. 009889: City of Sugar Land enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(a), at 14003 Greenway Dr. (Mason Rd.), Sugar Land, Fort Bend County, Texas.

46. Damage Prevention Docket No. 009907: American Communications enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(e) and 18.11(b), at 24200 Hamptonshire Ln. (Penneywell Ln.), Houston, Harris County, Texas.

47. Damage Prevention Docket No. 009974: American Communications enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.4(e), at 9210 Long Barrel Ln. (Breezeway Dr.), Houston, Harris County, Texas.

48. Damage Prevention Docket No. 009984: American Communications enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(e) and 18.11(b), at 5302 Maybrook Park Ln. (Baron Cove Ln.), Katy, Fort Bend County, Texas.

49. Damage Prevention Docket No. 009985: American Communications enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.4(a), at 22502 William Chase (Elrod Rd.), Katy, Harris County, Texas.

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50. Damage Prevention Docket No. 010046: Super Surface Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 6607 Desco Dr., Dallas, Dallas County, Texas.

51. Damage Prevention Docket No. 010131: Tri-State Mechanical enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 4 Hunters Ridge (S. Voss Ct.), Houston, Harris County, Texas.

52. Damage Prevention Docket No. 010176: PM Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(b) and 18.11(b), at 3911 Galesburg St. (Scott St.), Houston, Harris County, Texas.

53. Damage Prevention Docket No. 010184: PM Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 4114 Maggie St. (Scott), Houston, Harris County, Texas.

54. Damage Prevention Docket No. 010201: Tealstone Residential Concrete, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 7930 Osborn Pkwy., Plano, Collin County, Texas.

55. Damage Prevention Docket No. 010219: City of Abilene enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 897 Sunset (S. 9th St.), Abilene, Taylor County, Texas.

56. Damage Prevention Docket No. 010226: Gardner Telecommunications Inc . enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at 7004 Beacon Hill Rd (Stonebridge), McKinney, Collin County, Texas.

57. Damage Prevention Docket No. 010286: Excavators & Constructors, Ltd. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 1670 Gill (Magnolia Ave.), Beaumont, Jefferson County, Texas.

58. Damage Prevention Docket No. 010340: Buffington Homes enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 600 Harris Dr. (Belterra Blvd.), Dripping Springs, Hays County, Texas.

59. Damage Prevention Docket No. 010373: Skylark Construction LLC enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 8402 Hillcroft (Beechnut), Houston, Harris County, Texas.

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60. Damage Prevention Docket No. 010437: PM Construction Rehabilitation enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at 4011 Cavalcade St. (Falls St.), Houston, Harris County, Texas.

61. Damage Prevention Docket No. 010440: BRH-Garver Construction, LP enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(a), 18.11(b) and 18.11(b), at 2400 Quenby, Houston, Harris County, Texas.

62. Damage Prevention Docket No. 010785: Winter Ranch RV Resort enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.5(b), 18.10(b), 18.11(b) and 18.11(b), at 7 Silver Spur (Sagebrush), Alamo, Hidalgo County, Texas.

63. Damage Prevention Docket No. 010791: Genisis Energy enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 9th St. (W. Phillips), Alvin, Brazoria County, Texas.

64. Damage Prevention Docket No. 010923: Clean Scapes enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(e), 18.11(b) and 18.11(b), at 509 Jason Ave. (Magnolia), Amarillo, Potter County, Texas.

65. Damage Prevention Docket No. 010963: Vortex Drilling Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.5(b) and 18.11(b), at 2211 Pasadena Dr. (Burnet Rd.), Austin, Travis County, Texas.

66. Damage Prevention Docket No. 011035: D & V Dirt Works enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at Hwy. 137 (FM 307), Unknown, Midland County, Texas.

67. Damage Prevention Docket No. 012218: Bartley Construction Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at 212 Anderson Ranch Ln. (FM 518), Friendswood, Galveston County, Texas.

68. Damage Prevention Docket No. 012440: Bartley Construction Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 1619 Nagle St., Houston, Harris County, Texas.

69. Damage Prevention Docket No. 014469: Bartley Construction Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), 18.11(b), at 4810 Pinewood Meadows (Siendra Creek), Conroe, Montgomery County, Texas.

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70. Damage Prevention Docket No. 015741: PM Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.4(a), at 6943 Avenue O (N. 71st St.), Houston, Harris County, Texas.

71. Damage Prevention Docket No. 016623: Osmose Utility enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 121 E. 1st 1/2 (Yale), Houston, Harris County, Texas.

72. Damage Prevention Docket No. 016636: Osmose Utilities Services enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at 1066 W. 42nd St. (Apollo St.), Houston, Harris County, Texas.

73. Damage Prevention Docket No. 018158: City of San Juan enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(a), at 815 S. San Antonio (W. 8th), San Juan, Hidalgo County, Texas.

74. Damage Prevention Docket No. 018824: City of San Antonio Public Works enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 11551 Bulverde Rd. (Naco Perrin), San Antonio, Bexar County, Texas.

75. Damage Prevention Docket No. 019274: Reytec Construction Resources, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 6300 Blk. Windfern, Houston, Harris County, Texas.

76. Damage Prevention Docket No. 019315: Portland Utilities Construction Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 835 Hahlo, Houston, Harris County, Texas.

77. Damage Prevention Docket No. 019338: Morgan Buildings & Spas enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b), 18.11(b) and 18.3(e), at 101 La Salle Blvd. (Smith Rd.), Port Lavaca, Calhoun County, Texas.

78. Damage Prevention Docket No. 019342: Bartley Construction Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at 411 Pickney Hwy., Sugar Land, Fort Bend County, Texas.

79. Damage Prevention Docket No. 019351: Zamarron Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(a), at Jackson (Trenton), McAllen, Hidalgo County, Texas.

80. Damage Prevention Docket No. 019414: RES Earth and Cable enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(g), 18.11(b) and 18.11(b), at 1013 W. Monahans, Odessa, Ector County, Texas.

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81. Damage Prevention Docket No. 019506: Compton Utilities enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 19400 Blk. Sara St. (Rana Park), Flint, Smith County, Texas.

82. Damage Prevention Docket No. 019592: Ark Contracting Services enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 2111 Custer Dr. (Easter Ave.), Dallas, Dallas County, Texas.

83. Damage Prevention Docket No. 019631: PRO Chemical enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a) and 18.11(b), at 2612 Baker (Taylor), Sachse, Collin County, Texas.

84. Damage Prevention Docket No. 019634: Cox Electric enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a) and 18.11(b), at 401 W. Louis Henna Blvd. (Toll 45 and La Frontera), Round Rock, Williamson County, Texas.

85. Damage Prevention Docket No. 019647: Utilitex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 1011 Ridgemont, Allen, Collin County, Texas.

86. Damage Prevention Docket No. 019670: PRO Chemical enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a) and 18.11(b), at 2613 Hundred Knights, Lewisville, Denton County, Texas.

87. Damage Prevention Docket No. 019680: Murphys Pool & Spa enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(e), 18.11(b) and 18.11(b), at 3310 Beachwater Dr., Katy, Fort Bend County, Texas.

88. Damage Prevention Docket No. 019683: Morris Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(a), at 5543 La Homa Road (Wharton), Mission, Hidalgo County, Texas.

89. Damage Prevention Docket No. 019697: TAMU - Texas A&M University Maint. Dept. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at Joe Rout & Clark St. - TAMU Campus, College Station, Brazos County, Texas.

90. Damage Prevention Docket No. 019704: City of Corpus Christi enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 1425 Clodah (Winnie), Corpus Christi, Nueces County, Texas.

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91. Damage Prevention Docket No. 019709: Aaron Concrete Contractors enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 401 South Main Street (Live Oak Street), Lockhart, Caldwell County, Texas.
92. Damage Prevention Docket No. 019716: Houston Pipe Line Company LP enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at FM 50 and FM 1687, Unknown, Brazos County, Texas.
93. Damage Prevention Docket No. 019718: City of Bryan enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 2102 E. Hwy. 21, Bryan, Brazos County, Texas.
94. Damage Prevention Docket No. 019723: Porter SUD enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 22271 Walnut (North Hillcrest), Porter, Montgomery County, Texas.
95. Damage Prevention Docket No. 019735: City of Corpus Christi enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at 2237 Soledad St. (Sarita St.), Corpus Christi, Nueces County, Texas.
96. Damage Prevention Docket No. 019791: San Isidro Management enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at Bucky Houndmann and Simon Bolivar, Laredo, Webb County, Texas.
97. Damage Prevention Docket No. 019792: Haas Anderston Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at Kaler, Corpus Christi, Nueces County, Texas.
98. Damage Prevention Docket No. 019793: Valero Terminaling & Distrib. Co. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at Kaler, Corpus Christi, Nueces County, Texas.
99. Damage Prevention Docket No. 019794: Haas Anderston Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at 6041 Ayers (Bevecrest), Corpus Christi, Nueces County, Texas.
100. Damage Prevention Docket No. 019797: Bay LTD enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at Texas Blvd. (Hwy. 44), Alice, Jim Wells County, Texas.
101. Damage Prevention Docket No. 019798: City of Palestine enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 511 Burkitt St. (Hickory), Palestine, Anderson County, Texas.

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102. Damage Prevention Docket No. 019803: SKE Construction, LLC enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 1405 E. Logan (Greenlawn Blvd.), Round Rock, Williamson County, Texas.

103. Damage Prevention Docket No. 019805: Wickson Creek SUD enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 2943 Ambrose Dr. (Thornberry Dr.), Bryan, Brazos County, Texas.

104. Damage Prevention Docket No. 019814: Strike LLC enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 186 Faith Ranch Road (FM 186), Carrizo Springs, Dimmit County, Texas.

105. Damage Prevention Docket No. 019818: Texas Master Plumber enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 15426 Woodhorn Dr., Houston, Harris County, Texas.

106. Damage Prevention Docket No. 019828: Smetana & Associates enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(e), at 109 N. Main St. (N. 2nd St.), Dawson, Navarro County, Texas.

107. Damage Prevention Docket No. 019833: Mr Sparkey enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at 22210 Singleleaf Ln., Tomball, Harris County, Texas.

108. Damage Prevention Docket No. 019835: HC FWSD #51 enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 13430 Redgate Dr., Houston, Harris County, Texas.

109. Damage Prevention Docket No. 019838: T & D Solutions enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(a), at W. Tyler St., Gilmer, Upshur County, Texas.

110. Damage Prevention Docket No. 019849: TJ & T Enterprises, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(a), at 23319 Whispering Willow (Oak River), Spring, Harris County, Texas.

111. Damage Prevention Docket No. 019852: City of Texas City enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 714 6th Ave. North (7th Street), Galveston, Galveston County, Texas.

112. Damage Prevention Docket No. 019853: Burts Construction Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 608 Richey Road (Estella Lane), Houston, Harris County, Texas.

113. Damage Prevention Docket No. 019858: Special Operation Services enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 11601 Katy Fwy., Houston, Harris County, Texas.

114. Damage Prevention Docket No. 019861: Texas Express Plumbing Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 5230 Nett St., Houston, Harris County, Texas.

115. Damage Prevention Docket No. 019871: RPM X Construction, LLC enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 7460 Coronado Ave. (E. Grand/La Vista), Dallas, Dallas County, Texas.

116. Damage Prevention Docket No. 019872: Cummings Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(a), at 708 Main St. (Main & Bolin), Mount Vernon, Franklin County, Texas.

117. Damage Prevention Docket No. 019881: Wright Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 302 S. Crawford St., Denton, Denton County, Texas.

118. Damage Prevention Docket No. 019884: Dawson Foundation Repair Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 9814 Penton Dr. (Alderwick), Sugar Land, Fort Bend County, Texas.

119. Damage Prevention Docket No. 019887: Luycx Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 215 Stratton Ridge Rd., Clute, Brazoria County, Texas.

120. Damage Prevention Docket No. 019889: ARS Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a) and 18.11(b), at 13518 Robin Hill Ct., Houston, Harris County, Texas.

121. Damage Prevention Docket No. 019896: Hazelett Drilling enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at Hwy. 624 and CR 81, Bluntzer, Nueces County, Texas.

122. Damage Prevention Docket No. 019922: Camino Construction, L.P. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 6929 Lockheed Ave. (Roper Street), Dallas, Dallas County, Texas.

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123. Damage Prevention Docket No. 019935: Hays Utility South Corporation enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 11961 White Oak Run, Conroe, Montgomery County, Texas.

124. Damage Prevention Docket No. 019937: American Bore and Trench enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(e), 18.11(b) and 18.11(b), at 12436 Duncan Rd. (Theall), Houston, Harris County, Texas.

125. Damage Prevention Docket No. 019940: TLS, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 11391 Monroe Rd. (Beltway 8), Houston, Harris County, Texas.

126. Damage Prevention Docket No. 019952: Bowles Construction Co. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 204 Riley (Strong St.), Bowie, Montague County, Texas.

127. Damage Prevention Docket No. 019955: Crown Pools enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(a), at 162 E. Lansdown Cir., The Woodlands, Montgomery County, Texas.

OIL AND GAS UNPROTESTED

CONSENT AGENDA

The Commission unanimously approved the following applications:

128. O&G 01-0276038: Application of Escondido Resources II, LLC to amend field rules for the Tres Encanto (Escondido) Field, La Salle County, Texas.

129. O&G 01-0274323: Application of EOG Resources, Inc. to amend and make permanent field rules for the Eagleville (Eagle Ford 1) Field, Atascosa, Dimmit, Gonzales, La Salle, McMullen, Wilson and Zavala Counties, Texas.

130. O&G 02-0274324: Application of EOG Resources, Inc. to amend and make permanent field rules for the Eagleville (Eagle Ford 2) Field, De Witt, Karnes, Lavaca and Live Oak Counties, Texas.

131. O&G 10-0275210: Application of Laredo Petroleum, Inc. for a new field designation and adoption of temporary field rules for the Cottonwood Draw (Granite Wash) Field, Hartley County, Texas.

132. O&G 09-0274954: Application of Melvin K. and W.J. Horany and Aztec Energy LLC pursuant to 16 TAC §3.38(d)(3) for dissolution of the 498-acre East Iowa Park Unit, K-M-A Field, Wichita County, Texas.

133. O&G 10-0276105: Strat Land Exploration Company for the recommendation of a tight gas formation pursuant to 16 TAC §3.101 for a 1,000-acre portion of the Lower Morrow Formation, Hansford (Morrow, Lower) Field, Hutchinson and Roberts Counties, Texas.

134. O&G 10-0276106: Strat Land Exploration Company for the recommendation of a tight gas formation pursuant to 16 TAC §3.101 for a 655-acre portion of the Lower Morrow Formation, Hansford (Morrow, Lower) Field, Hansford and Hutchinson Counties, Texas.

ADMINISTRATIVE MATTERS

EXECUTIVE OFFICE

135. Consideration and approval of letter to Legislative Budget Board and Governor's Office for a request to exceed Capital Budget Rider for Data Center Services in FY 2013.

The Commission held this item for further consideration.

136. Issues regarding operations in the Barnett, Eagle Ford, and other shale trends.

The Commission received an update from Railroad Commission Oil & Gas Division, Site Remediation Assistant Director, Peter Pope.

137. Issues related to the Sunset Advisory Commission review of the Railroad Commission.

The Commission received an update from Railroad Commission General Counsel Lindil Fowler.

OIL AND GAS DIVISION

138. Approval of comments on the U.S. Environmental Protection Agency's Draft Guidance: Permitting Guidance for Oil and Gas Hydraulic Fracturing Activities Using Diesel Fuels.

The Commission unanimously approved staff's recommendation.

139. Approval of comments on the U.S. Department of Interior Bureau of Land Management's proposed rule to regulate hydraulic fracturing on federal lands, published in the May 11, 2012, issue of the Federal Register.

The Commission passed this item until the next conference.

COMMISSIONERS

Chairman Smitherman

140. 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 the Railroad Commission General Counsel, Lindil Fowler and Office of General Counsel David Cooney.

141. Evaluation of candidates for and possible selection of Executive Director. The Commission passed this item.

PUBLIC INPUT

142. 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 @ 1:57 p.m.

Kathy Way
Secretary