

**RAILROAD COMMISSION OF TEXAS  
FORMAL COMMISSION ACTIONS**

**December 11, 2012**

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, December 11 2012, commencing at 9:30 a.m. Chairman Barry T. Smitherman and Commissioner David Porter were present. Chairman Smitherman presided.

**HEARINGS DIVISION**

**GAS SERVICES**

Item numbers 1, 2, and 3 were considered and approved at the last conference (December 4, 2012).

1. GUD No. 10170 (and consolidated cases): Statement of intent filed by Atmos Energy Corporation to increase gas utility rates within the unincorporated areas served by the Mid-Tex Division.
2. GUD No. 10182 (and consolidated cases): Statement of intent filed by CenterPoint Energy Resources Corp., d/b/a CenterPoint Energy Entex and CenterPoint Energy Texas Gas to increase rates on a division wide basis in the Beaumont/East Texas Division.
3. GUD No. 10196: Statement of intent filed by Bluebonnet Natural Gas, L.L.C. to increase rates in Hardin, Jefferson, Liberty, Nacogdoches, Rusk and Tyler Counties, Texas and petition for de novo review of the denial of the statement of intent filed in Devers and Mt. Enterprise Texas (and consolidated cases).

**SURFACE MINING AND RECLAMATION**

4. Docket No. C11-0020-SC-00-A: Application by Luminant Mining Company, L.L.C. for approval of its surface mining and reclamation permit for the Martin Lake Liberty Mine, Rusk County, Texas.  
The Commission unanimously approved the examiners recommendation.

5. Docket No. C13-0007-SC-00-D: Application by Luminant Mining Company, L.L.C. for acceptance of self-bond with third-party guarantee, Martin Lake Liberty Mine, Permit No. 58, Rusk County, Texas.  
The Commission unanimously approved the examiners recommendation.

**OIL AND GAS CONSENT AGENDA**

The Commission unanimously approved the following applications:

6. O&G 03-0278262: Application of Crimson Exploration Oper., Inc. to amend field rules for the Madisonville, W. (Woodbine -A-) Field, Brazos, Grimes and Madison Counties, Texas.
7. O&G 7C-0278843: Application of Nordan Oil & Gas Corporation to adopt field rules for the John P (Ellenburger) Field, Menard County, Texas.
8. O&G 7B-0278211: Application of Newark E&P Operating, L.L.C. for an increased net gas-oil ratio authority for the Kilgust Lease, Well No. 1, Oran (Marble Falls) Field, Palo Pinto County, Texas.
9. O&G 09-0277581: Application of Pioneer Natural Resources USA, Inc., for permanent gas well classification in the Newark, East (Barnett Shale) Field, Various Counties, Texas.
10. O&G 01-0278440: Application of Hess Corporation for an exception to 16 TAC §3.32 for the Cenizo Ranch Lease, Well No. A-1H in the Eagleville (Eagleford-1) Field, Dimmit County, Texas.
11. O&G 01-0278441: Application of Hess Corporation for an exception to 16 TAC §3.32 for the Talbutt Trust Lease, Well No. C-4H in the Eagleville (Eagleford-1) Field, La Salle County, Texas.
12. O&G 01-0278442: Application of Hess Corporation for an exception to 16 TAC §3.32 for the Cenizo Ranch Lease, Well No. A-2H in the Eagleville (Eagleford-1) Field, Dimmit County, Texas.
13. O&G 08-0278846: Application of Clearfork Production, L.L.C. for an exception to 16 TAC §3.32 for the Big Max 1 Lease, Well No. 1, Big Max 11 Lease, Well No. 2, and Big Max 12 Lease, Well No. 2, in the Spraberry (Trend Area) Field, Andrews County, Texas.
14. O & G 04-0276691: Railroad Commission District 04, Commission-called review of temporary field rules pursuant to 16 TAC §3.43 for the Hawkville (Austin Chalk) (39744250) Field, Webb County, Texas.
15. O&G 04-0251204: ORDER NUNC PRO TUNC: Metano Energy, L.P. for the recommendation of a tight gas formation pursuant to 16 TAC §3.101 for the Queen City Formation, Garcias Ridge (Queen City) Field, Starr County, Texas.
16. O&G 06-0278659: ORDER NUNC PRO TUNC: Devon Energy Production Co, L.P. for the recommendation of a tight gas formation pursuant to 16 TAC §3.101 for the James Lime Formation, Angie (James Lime) Field, Shelby County, Texas.
17. O&G 03-0278005: Square Mile Energy, L.L.C. for the recommendation of a tight gas formation pursuant to 16 TAC §3.101 for a portion of the Frio Formation, Tidehaven, Deep (Frio 11300) Field, Matagorda County, Texas.

**RULE 15 INACTIVE WELL ITEMS**

The Commission unanimously approved the following items with the exception of item #30, 32, and 42 these items were resolved. The Commission passed on item # 40..

18. O&G 20-0279311: In Re: P-5 Organization Report of Ace Field Services, Inc. (Operator No. 003526).

19. O&G 20-0279312: In Re: P-5 Organization Report of Alliance Ogo, L.P. (Operator No. 014157).

20. O&G 20-0279313: In Re: P-5 Organization Report of Bayshore Exploration, L.L.C. (Operator No. 058833).

21. O&G 20-0279314: In Re: P-5 Organization Report of Brahman Operating, L.L.C. (Operator No. 088564).

22. O&G 20-0279315: In Re: P-5 Organization Report of Clay Petroleum (Operator No. 158936).

23. O&G 20-0279316: In Re: P-5 Organization Report of Davis, C. O. Production Co. (Operator No. 202998).

24. O&G 20-0279317: In Re: P-5 Organization Report of Endure Exploration Company, Inc. (Operator No. 252024).

25. O&G 20-0279318: In Re: P-5 Organization Report of Explo Oil, Inc. (Operator No. 257027).

26. O&G 20-0279319: In Re: P-5 Organization Report of Fossil Oil Operating, L.L.C. (Operator No. 278838).

27. O&G 20-0279320: In Re: P-5 Organization Report of Frontier Operating Corporation (Operator No. 287189).

28. O&G 20-0279321: In Re: P-5 Organization Report of Fusion XP, Inc. (Operator No. 291668).

29. O&G 20-0279322: In Re: P-5 Organization Report of Gungoll, Carl E. Exploration, L.L.C. (Operator No. 339348).

30. O&G 20-0279323: In Re: P-5 Organization Report of J & D Services (Operator No. 427316). (Resolved)

31. O&G 20-0279324: In Re: P-5 Organization Report of JMR Resources, L.L.C. (Operator No. 433132).

32. O&G 20-0279325: In Re: P-5 Organization Report of Jorah Oil & Gas, Inc. (Operator No. 446925). (Resolved)

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33. O&G 20-0279326: In Re: P-5 Organization Report of K & D Operating Co. A (Operator No. 448436).
34. O&G 20-0279327: In Re: P-5 Organization Report of Kala Oil Company (Operator No. 450240).
35. O&G 20-0279328: In Re: P-5 Organization Report of Kriken Oil & Gas, Inc. (Operator No. 477255).
36. O&G 20-0279329: In Re: P-5 Organization Report of L. S. K. L. Oil Co. (Operator No. 480250).
37. O&G 20-0279330: In Re: P-5 Organization Report of Lario Oil & Gas Company (Operator No. 486710).
38. O&G 20-0279331: In Re: P-5 Organization Report of Lavaca River Operating Co., L.L.C. (Operator No. 489720).
39. O&G 20-0279332: In Re: P-5 Organization Report of Leexus Oil, L.L.C. (Operator No. 495350).
40. O&G 20-0279333: In Re: P-5 Organization Report of Lillis, Michael D. (Operator No. 500740). The Commission passed on this item.
41. O&G 20-0279334: In Re: P-5 Organization Report of Linc Gulf Coast Petroleum, Inc. (Operator No. 500796).
42. O&G 20-0279335: In Re: P-5 Organization Report of Lively Energy & Development Corp (Operator No. 503970). (Resolved)
43. O&G 20-0279337: In Re: P-5 Organization Report of Loma Oil Company (Operator No. 506090).
44. O&G 20-0279338: In Re: P-5 Organization Report of Losure Pet. Co. (Operator No. 509250).
45. O&G 20-0279339: In Re: P-5 Organization Report of M & M General Contractors, Inc. (Operator No. 518587).
46. O&G 20-0279340: In Re: P-5 Organization Report of M & S Resources, L.L.C. (Operator No. 518941).
47. O&G 20-0279341: In Re: P-5 Organization Report of Massie Oil Company (Operator No. 532275).
48. O&G 20-0279343: In Re: P-5 Organization Report of McNeese Oil (Operator No. 555414).
49. O&G 20-0279344: In Re: P-5 Organization Report of Megawest Energy Texas Corp. (Operator No. 559352).

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50. O&G 20-0279345: In Re: P-5 Organization Report of Mohican Operating, L.L.C. (Operator No. 573707).
51. O&G 20-0279347: In Re: P-5 Organization Report of O'Neal Oil Company (Operator No. 623160).
52. O&G 20-0279348: In Re: P-5 Organization Report of Prevail Energy, Incorporated (Operator No. 681711).
53. O&G 20-0279349: In Re: P-5 Organization Report of Self Brothers (Operator No. 765609).
54. O&G 20-0279350: In Re: P-5 Organization Report of Senora Petroleum, L.L.C. (Operator No. 767258).
55. O&G 20-0279351: In Re: P-5 Organization Report of Skybridge Energy, L.L.C. (Operator No. 786419).
56. O&G 20-0279352: In Re: P-5 Organization Report of Stagg Operating, Inc. (Operator No. 810996).
57. O&G 20-0279353: In Re: P-5 Organization Report of Stagg Investment Group, Inc. (Operator No. 810998).
58. O&G 20-0279355: In Re: P-5 Organization Report of Sunday Corporation (Operator No. 829281).
59. O&G 20-0279356 In Re: P-5 Organization Report of Tri "M" Oil & Gas (Operator No. 868533).
60. O&G 20-0279357: In Re: P-5 Organization Report of Tri-Force Operating, L.L.C. (Operator No. 868629).
61. O&G 20-0279358: In Re: P-5 Organization Report of Triple J Operating, L.L.C. (Operator No. 870387).
62. O&G 20-0279359: In Re: P-5 Organization Report of Tristar Oil & Gas (Operator No. 871133).
63. O&G 20-0279360: In Re: P-5 Organization Report of Unoso Operating Company, L.L.C. (Operator No. 878440).

**OFFICE OF GENERAL COUNSEL**

**AGREED ENFORCEMENT ORDERS**

The Commission unanimously approved the following orders:

64. O&G 02-0265936: JIN Petroleum, L.L.C. (Operator No. 432947) enforcement action regarding the Gohmert, R.L. (06361) Lease, Well Nos. 1 and 2, Gohmert (Wilcox) Field, Dewitt County, Texas. Violation of Statewide Rules §§3.14(b)(2) and 3.21(i).

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65. O&G 03-0263889: Miocene Oil & Gas, L.T.D. (Operator No. 570315) enforcement action regarding the Walter Company (13182) Lease, Well Nos. 1, 1W and 2, SE (Nodosaria 2nd) Field, Jefferson County, Texas. Violation of Statewide Rules §§3.3(2), 3.9(12), 3.14(b)(2), 3.14(b)(3) and 3.13(b)(i)(B).

66. O&G 05-0257535: Don R. Jones d/b/a Express Oil Co. (Operator No. 257068) enforcement action regarding the Jarvis (02331) Lease, Well No. 1, Trinidad, S. (Rodessa) Field, Henderson County, Texas; and Yarbee (03586) Lease, Well No. 3, Trinidad, S. (Rodessa) Field, Henderson County, Texas. Violation of Statewide Rules §§3.14(b)(2) and 3.14(b)(3).

67. O&G 06-0275015: K & D Water Works, L.L.C. (Operator No. 448763) enforcement action regarding the K & D Water Works Yard, (Washt) (Ln.) Lease, Freedom Field, Leon County, Texas. Violation of Statewide Rules §§3.8(d)(1) and 3.8(d)(2).

68. O&G 7B-0270334: Textron Southwest, Inc. (Operator No. 850938) enforcement action regarding the Barnett Cody Lease, Well No. 1 (Permit No. 687752), Wildcat Field, Comanche County, Texas. Violation of Statewide Rules §§3.14(b)(2) and 3.16(b).

69. O&G 7B-0275203: R & S Roustabout Service Co. (Operator No. 687498) enforcement action regarding the Gray, Mack (17723) Lease, Well No. 5, Shackelford County Regular Field, Shackelford County, Texas. Violation of Statewide Rules §§3.14(b)(2) and 3.14(b)(3).

70. O&G 8A-0270491: Bryant Salt Water Disposal, Inc. (Operator No. 104775) enforcement action regarding the Willard, N.W. "B" (61337) Lease, Well No. 1D, Levelland Field, Hockley County, Texas. Violation of Statewide Rules §§3.8(d)(1), 3.9(9)(B) and 3.14(b)(2).

71. O&G 09-0269726: Midwestern Energy (Operator No. 566592) enforcement action regarding the Cloud (08664) Lease, Well No. 3, Goree, S. (Tannehill) Field, Knox County, Texas. Violation of Statewide Rules §§3.8(d)(1), 3.9(9)(B) and 3.9(12)(B).

72. O&G 10-0264459: MEGG, L.P. (Operator No. 559350) enforcement action regarding the Bibins 55-18 Lease, Well No. 1R (RRC No. 055780), Panhandle, West (Red Cave) Field, Potter County, Texas; and Whittenburg -A- (02901) Lease, Well No. 1D, Panhandle Hutchinson County Field, Hutchinson County, Texas; and Jessie (05818) Lease, Well Nos. 1, 2, 3 and 4, Panhandle Moore County Field, Moore County, Texas. Violation of Statewide Rules §§3.3(1) and (2), 3.14(b)(2) and 3.14(b)(3).

73. LP-Gas Docket No. 2217: Robert Earl Rector enforcement action regarding the Brazos Family Tree Farm, 20881 FM 2154, College Station, Brazos County, Texas. Violation of Tex. Nat. Res. Code §113.081(a)(2).

74. LP-Gas Docket No. 2334: First Service A/C Contractors, Inc. enforcement action regarding the Lenorah Operators, 5003 E. Hwy. 158, Midland, Midland County, Texas. Violation of LP-Gas Safety Rule §9.7(a)(4).

75. LP-Gas Docket No. 2362: Leon Gas Company (License No. 00490) enforcement action regarding the PHU Poultry Farm at 9412 Cooks Road, Calvert, Robertson County, Texas. Violation of LP-Gas Safety Rule §9.403.

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76. LP-Gas Docket No. 2368: Amerigas Propane, L.P. (License No. 09670) enforcement action regarding the Flying J Travel Plaza, 1301 Horizon Blvd., El Paso, El Paso County, Texas. Violation of LP-Gas Safety Rules §§9.135 and 9.101(b)(1).

77. LP-Gas Docket No. 2374: Morris Killough d/b/a Utopia Ranch Outpost (License No. 17410) enforcement action regarding the Utopia Ranch Outpost, 702 Highway 187, Utopia, Uvalde County, Texas. Violation of LP-Gas Safety Rules §§9.7(h) and 9.9(c)(1).

78. Damage Prevention Docket No. 006750: B Bend Builders enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 1004 Mingo (Logan), Alpine, Brewster County, Texas.

79. Damage Prevention Docket No. 014867: Brownsville Public Utilities Board enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.4(a), at 227 Casa Blanca (La Posada Dr.), Brownsville, Cameron County, Texas.

80. Damage Prevention Docket No. 015764: Murphy Pipeline Contractors, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 1017 Ross (Milner), Irving, Dallas County, Texas.

81. Damage Prevention Docket No. 016660: Loggins Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 510 Augusta Dr., Lufkin, Angelina County, Texas.

82. Damage Prevention Docket No. 016781: Muniz Concrete and Contracting, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 7107 Creekside Dr. (Highway 290), Austin, Travis County, Texas.

83. Damage Prevention Docket No. 016940: Centerpoint Energy (Electric) enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at 4131 Bellefontaine St., Houston, Harris County, Texas.

84. Damage Prevention Docket No. 018169: O G Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at 214 N. 18th Street (Highway 107), Edinburg, Hidalgo County, Texas.

85. Damage Prevention Docket No. 018614: Klaasmeyer Construction, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at Commerce (Regency), Marshall, Harrison County, Texas.

86. Damage Prevention Docket No. 018657: Keith Zars Pools, L.T.D. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(e), 18.11(b), at 23007 Tornillo Ln. (Navasota), San Antonio, Bexar County, Texas.

87. Damage Prevention Docket No. 019073: JT Dersner, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at Pioneer Rd. & Valley Falls (Valley Falls), Mesquite, Dallas County, Texas.

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88. Damage Prevention Docket No. 019347: Heritage Acres enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 120 Addie (Gladewater Rd.), Kilgore, Gregg County, Texas.
89. Damage Prevention Docket No. 019378: Conejo Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 26510 Pleasant Mill Ln., Katy, Fort Bend County, Texas.
90. Damage Prevention Docket No. 019874: Zafada & Jo Concrete enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 9411 Webb Chapel Rd. (Northwest Hwy.), Dallas, Dallas County, Texas.
91. Damage Prevention Docket No. 019913: Hard Rock Directional Drilling enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 909 Zanderson Ave., Jourdanton, Atascosa County, Texas.
92. Damage Prevention Docket No. 020092: Multiband enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 26 Emery Mill Pl., The Woodlands, Montgomery County, Texas.
93. Damage Prevention Docket No. 020699: Ferrellgas, L.P. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4705 Pyrenees Pass (Pontic Pass), Bee Cave, Travis County, Texas.
94. Damage Prevention Docket No. 020704: City of Conroe enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 106 Chambers St., Conroe, Montgomery County, Texas.
95. Damage Prevention Docket No. 020722: City of Carrollton - Streets Division enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(c), at 1834 Clear Creek Ln., Carrollton, Denton County, Texas.
96. Damage Prevention Docket No. 020817: SER Construction Partners, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(e) and 18.11(b), at 726 Brittmoore (Brittmoore & Rummel Creek Dr.), Houston, Harris County, Texas.
97. Damage Prevention Docket No. 020903: Matt Brackin enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 8395 Lawrence Drive (House Road), Beaumont, Jefferson County, Texas.
98. Damage Prevention Docket No. 021138: Judie Ouchley enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 201 S. Market St., Jefferson, Marion County, Texas.
99. Damage Prevention Docket No. 021212: Oak Grove Landscape enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at 4248 W. Eldorado Parkway, McKinney, Collin County, Texas.
100. Damage Prevention Docket No. 021393: Energy Transfer Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at Hwy. 72 (Hwy. 72), Tilden, McMullen County, Texas.

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101. Damage Prevention Docket No. 021435: Total Contracting Limited enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b), and 18.11(b), at 54 Parker Rd., Houston, Harris County, Texas.

102. Damage Prevention Docket No. 021436: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 6905 Ave. K (Legacy), Plano, Collin County, Texas.

103. Damage Prevention Docket No. 021438: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2800 Fordham (Bonnie View), Dallas, Dallas County, Texas.

104. Damage Prevention Docket No. 021446: CPS Energy enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 9051 Old Sky Harbor (Harbor View), San Antonio, Bexar County, Texas.

105. Damage Prevention Docket No. 021449: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1235 E. Beltline Rd. (I-35 South Service Rd.), DeSoto, Dallas County, Texas.

106. Damage Prevention Docket No. 021450: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4912 14th St. (FM Hwy. 544), Plano, Collin County, Texas.

107. Damage Prevention Docket No. 021451: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at Avenue D at 3rd St., Point, Rains County, Texas.

108. Damage Prevention Docket No. 021453: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 315 E. 9th St. (Park Ave.), Bonham, Fannin County, Texas.

109. Damage Prevention Docket No. 021454: Texas Comm Company, L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.3(d), at 1607 Brook Glen Dr. (Ash Lane), Euless, Tarrant County, Texas.

110. Damage Prevention Docket No. 021457: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at N. Custer Rd. & US Hwy. 380, Prosper, Collin County, Texas.

111. Damage Prevention Docket No. 021460: City of Lubbock enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 6802 Martin Luther King Blvd., Lubbock, Lubbock County, Texas.

112. Damage Prevention Docket No. 021468: Morris Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 901 S. International (S. Bridge Street), Hidalgo, Hidalgo County, Texas.

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113. Damage Prevention Docket No. 021488: Reynolds and Kay, Ltd. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 611 US Highway 69 N. (CR 2811), Tyler, Smith County, Texas.

114. Damage Prevention Docket No. 021489: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 907 Windsor Dr., Denton, Denton County, Texas.

115. Damage Prevention Docket No. 021491: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 9001 Bosque Blvd. (Wood Valley), Woodway, McClennan County, Texas.

116. Damage Prevention Docket No. 021492: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1510 N.E. 17th St. (Martin Luther King Blvd.), Paris, Lamar County, Texas.

117. Damage Prevention Docket No. 021498: City of Wolfe City enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(a) and 18.11(b), at 101 W. Main St. (Santa Fe), Wolfe City, Hunt County, Texas.

118. Damage Prevention Docket No. 021535: Matula & Matula Construction, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 348 Timbercreek (Lake Road), Lake Jackson, Brazoria County, Texas.

119. Damage Prevention Docket No. 021588: H.V. Caver, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 815 S. Runnels St. (King), De Kalb, Bowie County, Texas.

120. Damage Prevention Docket No. 021592: Centerpoint Energy (Electric) enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b) and 18.11(b), at 10100 Fairmont Pkwy. (Willmont), La Porte, Harris County, Texas.

121. Damage Prevention Docket No. 021598: Atlas Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at 240 Furr (Vollum), San Antonio, Bexar County, Texas.

122. Damage Prevention Docket No. 021604: Atlas Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at 347 Donaldson (Vollum), San Antonio, Bexar County, Texas.

123. Damage Prevention Docket No. 021612: Jose Garcia enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 133 Remington, Beaumont, Jefferson County, Texas.

124. Damage Prevention Docket No. 021621: Tiseo Paving enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(e), 18.11(b) and 18.11(b), at 5001 N. Colony Blvd. (Blair Oaks), Unknown, Denton County, Texas.

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125. Damage Prevention Docket No. 021632: John's Way, L.L.P. Tully Currie Developer enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(e), 18.11(b) and 18.11(b), at Johns Way Blvd. (Wild Horse Trl.), Canyon, Randall County, Texas.

126. Damage Prevention Docket No. 021637: City of Merkel enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 806 Trundy, Merkel, Taylor County, Texas.

127. Damage Prevention Docket No. 021638: CPS Energy enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 526 Coleman (Bee St.), San Antonio, Bexar County, Texas.

128. Damage Prevention Docket No. 021639: MJ Locating Service, L.L.C. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 5328 Quail Run St. (Burton Hill Rd.), Fort Worth, Tarrant County, Texas.

129. Damage Prevention Docket No. 021647: Boyco Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 1212 Clara St. (Mistletoe), Fort Worth, Tarrant County, Texas.

130. Damage Prevention Docket No. 021648: City of Kennedale enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 635 Tower Dr. (Bus. 287), Kennedale, Tarrant County, Texas.

131. Damage Prevention Docket No. 021659: West Texas Gas, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at Woodrow Road (Loop 493), Lubbock, Lubbock County, Texas.

132. Damage Prevention Docket No. 021682: The Brogdon Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 804 Loving Hwy. (N. Cherry St.), Graham, Young County, Texas.

133. Damage Prevention Docket No. 021703: Patrick Plumbing Service, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at 813 South Highland (SE 10th), Amarillo, Potter County, Texas.

134. Damage Prevention Docket No. 021707: J. W. Electric, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.11(b) and 18.11(b), at 2704 Los Olivos, Fort Worth, Tarrant County, Texas.

135. Damage Prevention Docket No. 021718: City of San Saba enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(a) and 18.11(b), at 2402 W. Wallace St., San Saba, San Saba County, Texas.

136. Damage Prevention Docket No. 021724: Brooke Pipe & Supply enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.3(e) and 18.11(b), at Hwy. 385 (Hwy. 385 & CR 25), Hereford, Deaf Smith County, Texas.

137. Damage Prevention Docket No. 021728: Cotton Utility Constructors, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §§18.4(g) and 18.11(b), at West Cattle Dr. (Longhorn), Onalaska, Polk County, Texas.

## **ADMINISTRATIVE MATTERS**

### **EXECUTIVE OFFICE**

138. Issues regarding operations in the Barnett, Eagle Ford, and other shale trends. There was no update this week.

139. Issues related to the operation of the agency including an update on the Sunset Advisory Commission review of the Railroad Commission. The Commission received an update from the Commission's Executive Director Milton Rister.

### **OIL AND GAS DIVISION**

140. Revised draft amendments for circulation for informal comment: 16 TAC §3.13, relating to Casing, Cementing, Drilling, and Completion Requirements, and conforming amendments to §§3.99 and 3.100, relating to Cathodic Protection Wells, and Seismic Holes and Core Holes; O&G Docket No. 20-0277738. The Commission unanimously approved staff's recommendation.

## **COMMISSIONERS**

### **Chairman Smitherman**

141. 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 commission's General Counsel Lindil Fowler.

### **EXECUTIVE SESSION**

142. The Commission may enter into closed Executive Session for discussion and consideration of items posted on this agenda notice and 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; or

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(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.

The Commission will reconvene following Executive Session for discussion of matters 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**

143. 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 @ 9:45 a.m.*