

ELIZABETH AMES JONES, CHAIRMAN
DAVID PORTER, COMMISSIONER
BARRY T. SMITHERMAN, COMMISSIONER

RAILROAD COMMISSION OF TEXAS
FORMAL COMMISSION ACTIONS
July 11, 2011

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 1-100, Austin, Texas, on [Monday, July 11 2011](#), at 9:33 a.m. [Chairman Elizabeth Ames Jones](#) called the meeting to order. [Chairman Elizabeth Ames Jones](#), [Commissioner David Porter](#) and [Commissioner Barry T. Smitherman](#) were present. [Chairman Jones](#) presided. [The Commission recessed @ 10:37 a.m. Reconvened @ 10:54 a.m. Recessed @ 12:08 p.m. and Reconvened again @ 12:54 p.m.](#)

OFFICE OF GENERAL COUNSEL-HEARINGS SECTION

GAS SERVICES UNPROTESTED

1. GUD No. 10094: Statement of Intent filed by Texas Gas Service Company to change to rates within the environs of the North Texas service area. The Commission unanimously approved the examiners recommendation.
2. GUD No. 10067: Application of CenterPoint Energy Entex for Test Year 2010 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, and Willis. The Commission unanimously approved the examiners recommendation.
3. GUD No. 10096: Statement of Intent filed by Dal-Mar Energy, Inc. to increase the rates in the unincorporated areas in the vicinity of Cross Plains, Texas. The Commission unanimously approved the examiners recommendation.
4. GUD No. 10068: Application for cost of service adjustment filed by Texas Gas Service Company to increase the rates in the unincorporated areas of the North Texas service area. The Commission unanimously approved the examiners recommendation.

OIL AND GAS PROTESTED

5. O&G 01-0269762: Sandy SWD, LLC (745993) commercial application to inject fluid into a reservoir productive of oil or gas, Asherton SWD Lease, Well Nos. 1 and 2, Thirteen, W. (Olmos 3450) (89390500) Field, Dimmit County, Texas. The Commission unanimously approved to allow modifications. Revised order will be presented at the next conference.

6. O&G 09-0266906: Complaint of the Robert Henry Family that injection well Permit No. 09152 for Seel-Mac Oil & Gas, LLP, Ferguson Lease, Well No. 59, should be terminated.

The Commission unanimously approved to adopt the permit and add four modifications (1) install flow meter

(2) require annual mechanical integrity test

(3) The Commission independently review to see if well is capable of injection of 400 bbl of water per day

(4) Seel Mac should plug well with water standing 3 ft. below surface.

The revised order will be presented at the next conference.

7. O&G 01-0269520: Tejones Operating Corporation for authority pursuant to Statewide Rule 21 to produce its Applewhite, Sam Lease, (11714) by swabbing, jetting or bailing, Somerset Field, Bexar County, Texas.

The Commission unanimously approved the examiners recommendation.

8. O&G Docket No. 08-0261891: Enforcement action against W & W Oil Company M (Operator No. 888545) for violations of Statewide Rules on the Holt -K- (20480) Lease, Well No. 2A, Triple-N (Penn, Upper) Field, Andrews County, Texas.

The Commission unanimously approved the examiners recommendation.

9. O&G 09-0265924: Chesapeake Operating, Inc. pursuant to the Mineral Interest Pooling Act for the formation of the Glen Garden MIPA Unit, Newark, East (Barnett Shale) Field, Tarrant County, Texas. Oral Argument – RRC Examiner and the representative for Chesapeake were each given 20 minutes to speak.

A decision will be made at the next conference.

Items #10 and #11 taken up together.

10. O&G 0265453: Chesapeake Operating, Inc. to consider an exception to Statewide Rule 37 for the West Wing Lease, Well No. 5H, Newark, East (Barnett Shale) Field, Tarrant County, Texas. . Oral Argument – RRC Examiner and the representative for Chesapeake were each given 15 minutes to speak. A decision will be made at the next conference.

11. O&G 0265455: Chesapeake Operating, Inc. to consider an exception to Statewide Rule 37 for the West Wing Lease, Well No. 6H, Newark, East (Barnett Shale) Field, Tarrant County, Texas. Oral Argument – RRC Examiner and the representative for Chesapeake were each given 15 minutes to speak. A decision will be made at the next conference.

AGREED ENFORCEMENT ORDERS

The Commission unanimously approved the following agreed orders:

12. O&G 06-0263249: Buffco Production Inc. enforcement action regarding Barber, J. W. (101734) Lease, Well No. 2, Rosewood (Cotton Valley) (78330500) Field, Upshur County, Texas. Violation of Statewide Rule 14(b)(2) and (3).

13. O&G 01-0263492: Lake Cherokee Production, LLC enforcement action regarding (482507) Operator, Mattke, C.J. et al. (07672) Lease, Well Nos. 1 and 2, Mattke, C.J. -A- (08280) Lease, Well Nos. 1A and 2A, Maple Hughes (Burton 1550) (57288500) Field, Guadalupe County, Texas. Violation of Statewide Rules 14(b)(2) and (3); 3(1), (2), and (3); 13(b)(1)(B); 8(d)(1).

14. O&G 01-0265437: Lucas Energy, Inc. enforcement action regarding Canion Unit (11534) Lease, Well No. 1, Smiley (Austin Chalk) (84249500) Field, Gonzales County, Texas. Violation of Statewide Rule 14(b)(2) and (3).

15. O&G 01-0262434: Mission River Systems, Inc. enforcement action regarding Wetherbee, Charles F. Trustee -A (07306) Lease, Well No. 1, Pearsall (Austin Chalk) (69981125) Field, La Salle County, Texas. Violation of Statewide Rule 14(b)(2) and (3).

16. O&G 04-0262721: Tyludadede, LLC enforcement action regarding White Point Development Company (086460) Lease, Well No. 2, White Point Development Co. (098531) Lease, Well No. 4, White Point (1600) (96978076) Field, San Patricio County, Texas. Violation of Statewide Rules 14(b)(2) and (3); 3(1) and (2).

17. O&G 04-0262722: Tyludadede, LLC enforcement action regarding White Point Development Co. (015136) Lease, Well No. 1, White Point, E. (White Pt.2500) (96979270) Field, White Point Development Co. (097710) Lease, Well No. 7, White Point, East (3800) (96979550) Field, San Patricio County, Texas. Violation of Statewide Rules 14(b) and 3(1) and (2).

18. O&G 04-0268984: Durango Resources Corp. enforcement action regarding Yturria Cattle Co. (11038) Lease, Well No. 8d, La Sara (No.8 Sand) (51046116) Field, Willacy County, Texas. Violation of Statewide Rules 9(12); 14(b)(2).

MINUTES – July 11, 2011

19. LP-Gas Docket No. 2155: WTG Fuels, Inc. enforcement action for violation of LP-Gas Safety Rule §9.135, at Day Stone, 2800 Highway 279, Brownwood, Brown County, Texas.
20. LP-Gas Docket No. 2168: Ferrellgas, L.P. enforcement action for violation of LP-Gas Safety Rule §9.41(e)(3), at Ben Bolt-Palito Blanco ISD, Ben Bolt, Jim Wells, County, Texas.
21. LP-Gas Docket No. 2172: Oasis RV Resort enforcement action for violation of Tex. Nat. Res. Code §113.081(a)(4), at Oasis RV Resort, 2715 Arnot Road, Amarillo, Potter County, Texas.
22. LP-Gas Docket No. 2181: Amerigas Propane, LP enforcement action for violation of LP-Gas Safety Rule §9.132, at Zarkava C Store, Inc. d/b/a Express Fuel & Food, Spring, Harris County, Texas.
23. LP-Gas Docket No. 2194: Guadalupe Gas Co. enforcement action for violation of LP-Gas Safety Rule §9.135, at TeleNetwork, 350 Barnes Drive, San Marcos, Hays County, Texas.
24. LP-Gas Docket No. 2209: Roadrunner Energy, Inc. enforcement action for violation of LP-Gas Safety Rule §9.135, at InLog Logistics Solutions, 8200 San Gabriel, Laredo, Webb County, Texas.
25. LP-Gas Docket No. 2214: Wilmer Market, Inc. enforcement action for violation of Tex. Nat. Res. Code §113.081(a)(4), at Wilmer Shell, 103 S. I-45, Wilmer, Dallas County, Texas.
26. LP-Gas Docket No. 2215: Ferrellgas, L.P. enforcement action for violation of LP-Gas Safety Rule §9.132, at Wilmer Shell, 103 N. U.S. Hwy. 75, Wilmer, Dallas County, Texas.
27. LP-Gas Docket No. 2252: Automatic Propane Gas & Supply, LLC enforcement action for violation of LP-Gas Safety Rule §9.36(b), at private residence, 8665 Prairie Chapel Road, Crandall, Kaufman County, Texas.
28. Damage Prevention Docket No. 005896: Texas Fence Company enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.10(b), 18.11(b), and 18.11(b), at 1710 Lazy Elm Ct., Houston, Harris County, Texas
29. Damage Prevention Docket No. 005930: Malitz Construction enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 1027 Austin Hwy. (Meadow Lane), San Antonio, Bexar County, Texas.

MINUTES – July 11, 2011

30. Damage Prevention Docket No. 006009: Barry Milner Construction enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 3815 Nelva Park (Between Nelva Ct. and Westfield Estates Dr.), Katy, Harris County, Texas.

31. Damage Prevention Docket No. 006127: Keystone Construction Inc. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 3633 Bee Caves Rd. (Beaver Trl.), Rollingwood, Travis County, Texas.

32. Damage Prevention Docket No. 006139: San Antonio Water Systems enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a) and 18.11(b), at 19806 Wittenburg, San Antonio, Bexar County, Texas.

33. Damage Prevention Docket No. 006148: City of Southlake enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 2720 S..H. 114 (Austin Oaks), Grapevine, Tarrant County, Texas.

34. Damage Prevention Docket No. 006249: Cash Construction Company enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(e) and 18.11(b), at Babcock Rd. (Cielo Vista), San Antonio, Bexar County, Texas.

35. Damage Prevention Docket No. 010683: J T Dersner enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 7302 Princeton Rd. (Colfax), Rowlett, Rockwall County, Texas.

36. Damage Prevention Docket No. 013015: Quality Generators enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 10507 Kirkshire Dr., Houston, Harris County, Texas.

37. Damage Prevention Docket No. 013184: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 715 Meadow Lane, Tyler, Smith County, Texas.

38. Damage Prevention Docket No. 013185: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 6011 Marshall Ave. (Moody Bl.), Longview, Gregg County, Texas.

39. Damage Prevention Docket No. 013190: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 6101 N. State Line Ave., Texarkana, Bowie County, Texas.

40. Damage Prevention Docket No. 013200: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 402 Sycamore, Mineola, Wood County, Texas.

MINUTES – July 11, 2011

41. Damage Prevention Docket No. 013223: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1255 County Road 3180 (TX FM 14), Tyler, Smith County, Texas.

42. Damage Prevention Docket No. 013231: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 113 Cleveland St., Winfield, Titus County, Texas.

43. Damage Prevention Docket No. 013282: Quality Generators enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 1511 Brook Meadow Dr., La Porte, Harris County, Texas.

44. Damage Prevention Docket No. 013795: Quality Generators enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 227 Lakeside Blvd., Sugar Land, Fort Bend County.

45. Damage Prevention Docket No. 013814: D&S Contracting, Inc. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 921 W. 28th St., Bryan, Brazos County, Texas.

46. Damage Prevention Docket No. 013817: D&S Contracting, Inc. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 919 W. 28th St., Bryan, Brazos County, Texas.

47. Damage Prevention Docket No. 013879: City of Laredo Utilities Department enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at San Dario Ave. (Calle Del Norte), Laredo, Webb County, Texas.

48. Damage Prevention Docket No. 013958: Layne Plumbing enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 4614 Kitty Hollow Dr., Missouri City, Fort Bend County, Texas.

49. Damage Prevention Docket No. 014124: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4302 Weston Drive (Wingham), Fulshear, Fort Bend County, Texas.

50. Damage Prevention Docket No. 014220: M. Marlon Ivy & Associate enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 5143 Verdenbruk Dr., Houston, Harris County, Texas.

51. Damage Prevention Docket No. 014326: John Labarge Contractor enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 334 Still Forrest Rd., Coppell, Dallas County, Texas.

52. Damage Prevention Docket No. 014397: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2210 Gulf St. (Caldwell Ave.), Beaumont, Jefferson County, Texas.

53. Damage Prevention Docket No. 014413: Rutty and Morris Plumbing enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 1130 Elgin Ave. (S. 12th St.), Nederland, Jefferson County, Texas.

54. Damage Prevention Docket No. 014663: Hawkins Lease Services enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.10(b), 18.11(b), and 18.11(b), at 5105 S. Acres Dr. (Glen Hollow), Houston, Harris County, Texas.

55. Damage Prevention Docket No. 014677: Fresno Fence enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 4102 Teal Valley Ct., Fresno, Fort Bend County, Texas.

56. Damage Prevention Docket No. 014693: JRJ Paving, LP enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.10(b), 18.11(b), and 18.11(b), at 400 Blk Suncreek Dr. (Bellevue), Allen, Collin County, Texas.

57. Damage Prevention Docket No. 014699: City of Weslaco enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.10(b), 18.11(b), and 18.11(b), at 513 S. Texas Blvd. (E. 5th), Weslaco, Hidalgo County, Texas.

58. Damage Prevention Docket No. 014746: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1822 Sara Ln. (Haynes Dr.), Richardson, Dallas County, Texas.

59. Damage Prevention Docket No. 014799: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(a), at 970 Ave. D (Wall), Beaumont, Jefferson County, Texas.

60. Damage Prevention Docket No. 014807: City of Lufkin enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.1 and 18.11(b), at 511 S. Third St. (Conn Ave.), Lufkin, Angelina County, Texas.

61. Damage Prevention Docket No. 014813: MEJ Utility Construction LLC enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 2403 Oak Ln., Georgetown, Williamson County, Texas.

MINUTES – July 11, 2011

62. Damage Prevention Docket No. 014850: B & B Plumbing enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 88 Hidden Creek Ln. (Bentwood), Montgomery, Montgomery County, Texas.
63. Damage Prevention Docket No. 014854: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 12607 Mesquite Hollow Ln. (Magnolia Crest), Sugar Land, Fort Bend County, Texas.
64. Damage Prevention Docket No. 014862: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1706 Ave. J, Hondo, Medina County, Texas.
65. Damage Prevention Docket No. 014863: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 3214 Peterson Way (Ella), Bryan, Brazos County, Texas.
66. Damage Prevention Docket No. 014868: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 202 S. 12th St. (Santa Fe), Conroe, Montgomery County, Texas.
67. Damage Prevention Docket No. 014869: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 202 S. 12th St. (Santa Fe), Conroe, Montgomery County, Texas.
68. Damage Prevention Docket No. 014888: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at Hwy. 59 S. (Loop 436 S.), Carthage, Panola County, Texas.
69. Damage Prevention Docket No. 014891: Sunbelt Services Group Inc. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 28043 Comal Karst Dr. (Rosillos Peak Dr.), Spring, Harris County, Texas.
70. Damage Prevention Docket No. 014896: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 5910 FM 2100 Rd. (Edna), Crosby, Harris County, Texas.
71. Damage Prevention Docket No. 014899: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1005 Alameda Ct. (Bel Air), Allen, Collin County, Texas.
72. Damage Prevention Docket No. 014901: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1518 Blodgett, Houston, Harris County, Texas.

MINUTES – July 11, 2011

73. Damage Prevention Docket No. 014904: Pave Construction enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(e) and 18.11(b), at 3909 Pavillion Ct. (Eporium), Mesquite, Dallas County, Texas.

74. Damage Prevention Docket No. 014916: K & E. Tractor enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 103 Boston Ave. (1st St.), Nederland, Jefferson County, Texas.

75. Damage Prevention Docket No. 014917: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 103 Boston Ave. (1st St.), Nederland, Jefferson County, Texas.

76. Damage Prevention Docket No. 014918: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1334 FM646 (2nd Street), Santa Fe, Galveston County, Texas.

77. Damage Prevention Docket No. 014921: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 15115 Grove Gardens, Houston, Harris County, Texas.

78. Damage Prevention Docket No. 014922: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 6402 Betty Cook Dr. (Emory Ln.), Austin, Travis County, Texas.

79. Damage Prevention Docket No. 014923: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 2454 Guzman (Ray Ave.), Port Arthur, Jefferson County, Texas.

80. Damage Prevention Docket No. 014924: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 65 County Road 607, Dayton, Liberty County, Texas.

81. Damage Prevention Docket No. 014925: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 306 Red Oak Road (Summitt Road), Red Oak, Ellis County, Texas.

82. Damage Prevention Docket No. 014926: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 253 Bryn Mawr Circle (Memorial Drive), Hunters Creek Village, Harris County, Texas.

83. Damage Prevention Docket No. 014927: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2400 Nicholson (Bristol), Dallas, Dallas County, Texas.

MINUTES – July 11, 2011

84. Damage Prevention Docket No. 014928: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4439 Rosser Square (Rosser Rd.), Dallas, Dallas County, Texas.

85. Damage Prevention Docket No. 014929: SJ Louis Construction of Texas enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.10(b) and 18.11(b), at 700 West Sioux Rd., Pharr, Hidalgo County, Texas.

86. Damage Prevention Docket No. 014931: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 59 County Road 607 (FM 1960), Dayton, Liberty County, Texas.

87. Damage Prevention Docket No. 014932: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at I-45 NBRF (North Loop 336), Conroe, Montgomery County, Texas.

88. Damage Prevention Docket No. 014933: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at Narcissus St. (Jackson St.), Kosse, Limestone County, Texas.

89. Damage Prevention Docket No. 014934: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 326 E. Hwy. 31 (Hardee Dr.), Chandler, Henderson County, Texas.

90. Damage Prevention Docket No. 014935: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 149 Silverwood Ranch Dr. (Wellman), The Woodlands, Montgomery County, Texas.

91. Damage Prevention Docket No. 014937: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at Narcissus St. (Monroe), Kosse, Limestone County, Texas.

92. Damage Prevention Docket No. 014939: City of Quinlan enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at Elm and E. 2nd (Hwy. 34S), Quinlan, Hunt County, Texas.

93. Damage Prevention Docket No. 014940: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 6750 Trail Lake Dr., Fort Worth, Tarrant County, Texas.

94. Damage Prevention Docket No. 014944: Atlas Pipeline Westtex enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at FM 2401 (Fm 2401), Midkiff, Upton County, Texas.

MINUTES – July 11, 2011

95. Damage Prevention Docket No. 014945: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1501 Valley View (Royal Crest), Mesquite, Dallas County, Texas.

96. Damage Prevention Docket No. 014948: CPS Energy enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(a), at 3014 Breeden Ave. (Carney), San Antonio, Bexar County, Texas.

97. Damage Prevention Docket No. 014951: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1428 Crest Ridge Dr. (Royal Crest), Mesquite, Dallas County, Texas.

98. Damage Prevention Docket No. 014960: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 5726 Northridge Dr., Houston, Harris County, Texas.

99. Damage Prevention Docket No. 014964: Trinity Signs enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 4652 Nall Rd. (Inwood Rd.), Farmers Branch, Dallas County, Texas.

100. Damage Prevention Docket No. 014965: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4652 Nall Rd. (Inwood Rd.), Farmers Branch, Dallas County, Texas.

101. Damage Prevention Docket No. 014970: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 920 Musser St., Laredo, Webb County, Texas.

102. Damage Prevention Docket No. 014973: JRJ Paving, LP enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.10(b) and 18.11(b), at 407 1/2 Elmo St. (Hix Rd.), Cleburne, Johnson County, Texas.

103. Damage Prevention Docket No. 014977: P & E. Contractors enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.10(b) and 18.11(b), at 4038 Barksdale Ct. (S. Randolph), Dallas, Dallas County, Texas.

104. Damage Prevention Docket No. 014979: Momentum Mechanical enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 4024 Caruth Blvd. (Colgate), University Park, Dallas County, Texas.

105. Damage Prevention Docket No. 014981: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1915 N. Haskell Ave. (Delano), Dallas, Dallas County, Texas.

MINUTES – July 11, 2011

106. Damage Prevention Docket No. 014988: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 606 E. Royal Ln. (Riverside), Irving, Dallas County, Texas.

107. Damage Prevention Docket No. 014990: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 185 Bluewing Pt. (Greenhead Pt.), Bridge City, Orange County, Texas.

108. Damage Prevention Docket No. 014994: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 806 Tom Temple Dr. (Feagin Dr.), Lufkin, Angelina County, Texas.

109. Damage Prevention Docket No. 014995: Brazos Paving, Inc. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.10(b) and 18.11(b), at 200 S. Parker Ave., Bryan, Brazos County, Texas.

110. Damage Prevention Docket No. 014996: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(a), at 15843 Willbriar (McCullum), Houston, Fort Bend County, Texas.

111. Damage Prevention Docket No. 014998: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(a), at 730 Northwestern Ave. (Coronado St.), Austin, Travis County, Texas.

112. Damage Prevention Docket No. 014999: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 605 Moody St. (Kerr St.), Lufkin, Angelina County, Texas.

113. Damage Prevention Docket No. 015000: Economic Construction Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 10650 Parc Crest Ct., Stafford, Fort Bend County, Texas.

114. Damage Prevention Docket No. 015001: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 10650 Parc Crest Ct., Stafford, Fort Bend County, Texas.

115. Damage Prevention Docket No. 015003: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1805 North Elm St. (University), Denton, Denton County, Texas.

116. Damage Prevention Docket No. 015005: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.8(a) and 18.11(a), at Hwy. 30 & FM 3090, Anderson, Grimes County, Texas.

MINUTES – July 11, 2011

117. Damage Prevention Docket No. 015008: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 203 Hodge St. (Nicole Dr.), Athens, Henderson County, Texas.

118. Damage Prevention Docket No. 015010: City of Wylie enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.4(g) and 18.11(b), at 110 Cottonbelt Ave. (Marble), Wylie, Collin County, Texas.

119. Damage Prevention Docket No. 015014: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.8(a) and 18.11(a), at 111 Main St. (Clark), Little Elm, Denton County, Texas.

120. Damage Prevention Docket No. 015015: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1304 Royal Adelaide (Somerset Hills Ct.), College Station, Brazos County, Texas.

121. Damage Prevention Docket No. 015018: DC Telecommunications Inc. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 1013 Cloverdale Ln., DeSoto, Dallas County, Texas.

122. Damage Prevention Docket No. 015019: Bear Creek Construction enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.10(b), 18.11(b), and 18.11(b), at 2221 Legacy Dr. (Cester), Plano, Collin County, Texas.

123. Damage Prevention Docket No. 015020: JR Gimler Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.3(a), at 2203 Cape Ann (S. Fulton Beach Rd.), Rockport, Aransas County, Texas.

124. Damage Prevention Docket No. 015030: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 2919 Ashfield Dr., Houston, Harris County, Texas.

125. Damage Prevention Docket No. 015031: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1261 Kirkwood (Prosper Trails), Prosper, Collin County, Texas.

126. Damage Prevention Docket No. 015032: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 17815 Red Oak Dr., Houston, Harris County, Texas.

127. Damage Prevention Docket No. 015035: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 1214 Tangle Briar Dr. (Lost Ridge Cir.), Seabrook, Harris County,

Texas.

128. Damage Prevention Docket No. 015038: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 23110 Kuykendahl, Houston, Harris County, Texas.

129. Damage Prevention Docket No. 015044: Metro City Construction, LP enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.4(a), at 11020 Kemwood Dr. (Hedwig Dr.), Houston, Harris County, Texas.

130. Damage Prevention Docket No. 015045: Wastewater enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at 713 Sam Rankin St., Corpus Christi, Nueces County, Texas.

131. Damage Prevention Docket No. 015047: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at Boundary (Everett), Houston, Harris County, Texas.

132. Damage Prevention Docket No. 015048: Brownsville Public Utilities Board enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.10(b), at Morelos (S. Frontage), Brownsville, Cameron County, Texas.

133. Damage Prevention Docket No. 015050: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2115 E. Kearney St., Laredo, Webb County, Texas.

134. Damage Prevention Docket No. 015051: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 923 N. Newark St. (380 Business), Decatur, Wise County, Texas.

135. Damage Prevention Docket No. 015052: Centerpoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 200 Forest Rd. (Hwy. 69), Lumberton, Hardin County, Texas.

136. Damage Prevention Docket No. 015053: West Texas Gas, Inc. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at U.S. Hwy. 385 (Porter), Dalhart, Dallam County, Texas.

137. Damage Prevention Docket No. 015055: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 27th Street (Sims), Bryan, Brazos County, Texas.

OIL AND GAS UNPROTESTED

CONSENT AGENDA

The Commission unanimously approved the following applications:

138. O&G 08-0270699: Endeavor Energy Resources L.P. to amend the permanent field rules for the Lockridge (Devonian) (54331250) Field, Ward County, Texas.

139. O&G 08-0270914: Oxy USA WTP LP to consolidate the Virey (Consolidated) and War-San (Consolidated) Fields into the Dora Roberts (Consolidated) Field, and to adopt field rules for the proposed consolidated field, Ector and Midland Counties, Texas.

140. O&G 08-0270698: Nearburg Producing Company to consider a field-wide MER or, in the alternative, an MER for its Victor 77 Lease, Well No. 1, Peak Victor (Devonian) Field, Crane County, Texas.

141. O&G 03-0271155: ReSearch Exploration, LLC for the recommendation of a tight gas formation for the Edwards Formation of Reuter (Edwards) Field, Fayette County, Texas.

142. O&G 06-0271156: Southwestern Energy Production Co. for the recommendation of a tight gas formation for the James Lime Formation of Angie (James Lime) Field, Nacogdoches and San Augustine Counties, Texas.

143. O&G 01-0270601: Kerns Petroleum, Inc. for authority pursuant to Statewide Rule 50 to approve or certify an EOR project for the Kelly (#15217) Lease, Austin Pierce (Austin Chalk) (04462 333) Field, Gonzales County, Texas.

144. O&G 8A-0270240: Occidental Permian Ltd. for authority pursuant to Statewide Rule 50 to approve or certify an EOR project for a portion of the Denver Unit (#18910) Lease, Wasson (95397 001) Field, Gaines County, Texas.

145. O&G 8A-0270399: Great Western Drilling Company for authority pursuant to Statewide Rule 50 to approve or certify an EOR project for the Suntura (Lower Clear Fork) Unit (#69175) Lease, Suntura (Lower Clear Fork) (87254 240) Field, Terry County, Texas.

146. O&G 03-0270921: Enervest Operating, L.L.C. for authority pursuant to Statewide Rule 50 to approve or certify an EOR project for the Babb-Drawe (#22101) Lease, Giddings (Austin Chalk-3) (34733 500) Field, Fayette County, Texas.

MINUTES – July 11, 2011

147. O&G 04-0264179: Chesnut Oil and Gas, Inc. enforcement action regarding Morris, Marilyn (12276) Lease, Well No. 1, Midway (Greta 5000) (61154126) Field, San Patricio County, Texas. Violation of Statewide Rule 8(d)(1).

148. O&G 09-0262811: Ames, Adrian enforcement action regarding City of Goree (08662) Lease, Well Nos. 1, 3, and 4, Cartwright, P. V. (West) (20607) Lease, Well Nos. 1, 2, 7305, and 7307, Goree (35983001) Field, Knox County, Texas. Violation of Statewide Rules 14(b)(2) (3); 9(12); 3(2); 46(g)(2).

149. O&G 06-0260805: Allison/Hobbs Inc. enforcement action regarding Cargill, B. A. Est. (02341) Lease, Well No. 1T, Bethany (Travis Peak 6460) (07527899) Field, Newton (040232) Lease, Well No. 2, Bethany (Travis Peak) (07527682) Field, Webster (133032) Lease, Well No. 1, Waskom, N. (Pettit) (95375625) Field, Harrison County, Texas. Violation of Statewide Rule 14(b)(2) and (3).

150. Damage Prevention Docket No. 004910 enforcement action for alleged violation of Commission Rules for Underground Pipeline Damage Prevention by All Season's Fencing at 6815 Glenray Dr., Houston, Harris County, Texas. Violation of 16 TAC §§18.3(a) and 18.11(b).

151. Damage Prevention Docket No. 004733 enforcement action for alleged violation of Commission Rules for Underground Pipeline Damage Prevention by Chuy's Fence at 17118 Hamilwood, Houston, Harris County, Texas. Violation of 16 TAC §18.11(b).

152. Damage Prevention Docket No. 004775 enforcement action for alleged violation of Commission Rules for Underground Pipeline Damage Prevention by Dave's Remodeling & Renovation at 6615 River Bluff Dr. (Fort Bend Parkway), Houston, Harris County, Texas. Violation of 16 TAC §18.11(b).

153. Damage Prevention Docket No. 004774 enforcement action for alleged violation of Commission Rules for Underground Pipeline Damage Prevention by Fence Doctor at 19818 Powerscourt Dr., Humble, Harris County, Texas. Violation of 16 TAC §18.11(b).

154. Damage Prevention Docket No. 004858 enforcement action for alleged violation of Commission Rules for Underground Pipeline Damage Prevention by R&R Concrete Contractors at 10805 Fernbrush Ln. (W. Hardy Rd.), Houston, Harris County, Texas. Violation of 16 TAC §§18.3(a) and 18.11(b).

155. Damage Prevention Docket No. 004977 enforcement action for alleged violation of Commission Rules for Underground Pipeline Damage Prevention by Signs & Designs at 4514 Hwy 108 E. (Energy Ave.), Mineral Wells, Palo Pinto County, Texas. Violation of 16 TAC §§18.3(a) and 18.11(b).

156. Damage Prevention Docket No. 004736 enforcement action for alleged violation of Commission Rules for Underground Pipeline Damage Prevention by A1a Fence Co. At 8803 Pepper Rock Dr. (Dorman Dr.), Brushy Creek, Williamson County, Texas. Violation of 16 TAC §18.11(b).

157. Damage Prevention Docket No. 003811 enforcement action for alleged violation of Commission Rules for Underground Pipeline Damage Prevention by Ortega's Trees & Landscape at 300 Yucca, San Antonio, Bexar County, Texas. Violation of 16 TAC §§18.10(b) and 18.11(b).

ADMINISTRATIVE MATTERS

EXECUTIVE OFFICE

158. Issues regarding operations in the Barnett, Eagle Ford, and other gas shale trends. The Commission received an update from Executive Director John Tintera.

159. Issues related to the Sunset Commission review of the Railroad Commission. The Commission received an update from Executive Director John Tintera.

ALTERNATIVE ENERGY DIVISION

160. Approval of changes to current rebate amounts and eligibility requirements for the Fiscal 2012 Propane Consumer Rebate Program. The Commission unanimously approved the staff's recommendation.

OIL AND GAS DIVISION

161. Approval to award a state-funded plugging contract to Pipe Pluggers, Inc., requisition number 455-11-470A, to plug 23 wells in District 01, in the amount of \$355,775.

The Commission unanimously approved the staff's recommendation.

162. Time line and procedure for rulemaking to implement House Bill 3328 (82nd Legislature, Regular Session, 2011), relating to the disclosure of the composition of hydraulic fracturing fluids. The Commission unanimously approved to establish rulemaking timeline and directed staff to begin work immediately to propose a rule with 30 day comment and have a public hearing.

PUBLIC INPUT

163. 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.