

**RAILROAD COMMISSION OF TEXAS
FORMAL COMMISSION ACTIONS
OCTOBER 20, 2008**

After providing notice as required by the Texas Open Meetings Act, the Railroad Commission of Texas held an open meeting at the William B. Travis Building, 1701 N. Congress Avenue, in Room 1-111, Austin, Texas, on Tuesday, October 20, 2008, commencing at 9:30 a.m. Chairman Michael L. Williams and Commissioners Victor G. Carrillo and Elizabeth A. Jones were present. Chairman Williams presided.

OFFICE OF GENERAL COUNSEL-HEARINGS SECTION

GAS SERVICES PROTESTED

1. GUD No. 9791: Statement of Intent filed by CenterPoint Energy Entex to increase the rates in the unincorporated areas of the Texas Coast Division and all consolidated dockets. The Commission unanimously approved a revised final order in this docket.

GAS SERVICES UNPROTESTED

2. GUD No. 9797: Statement of Intent filed by Universal Natural Gas, Inc. to increase rates in Montgomery, Walker, and Houston Counties, Texas, and all consolidated dockets. The Commission deferred this case for further consideration and heard from the company that it agreed to extend the statutory deadline to November 13, 2008.

OIL AND GAS PROTESTED

3. O&G 04-0256605: Commission-called hearing to afford Michael Joseph Pawelek an opportunity to show cause why he, and any organization in which he holds a position of ownership or control, should not be deemed to be subject to the restrictions of Texas Natural Resources Code §91.114(A)-(C) and Statewide Rule 78(m)(1) by reason of violations of Commission rules found to have been committed by IBC Petroleum, in the final orders served January 11, 2007, in Oil & Gas Docket Nos. 04-0247766, 04-0247767, and 04-0247783. The Commission unanimously denied the request of Mr. Pawelek.

4. O&G 7B-0258068: Commission-called hearing on the request of Dobbs Petroleum Co. (221860) to give Dobbs Petroleum Co. the opportunity to show cause why it is not legally responsible for plugging Well No. 2 on its Jacobs, J.C. Lease, in Taylor County and why the Commission should not proceed with State-funded plugging of the well subject and recoup all costs, expenses, and penalties related to the plugging from Dobbs Petroleum Co.; Jacobs, J.C. (24939) Lease, Gayla's (Flippen, Upper) (34284500) Field, Taylor County, Texas. This item was pulled and no action was taken.

MOTION FOR REHEARING

5. O&G 10-0256792: WO Operating Company to inject fluid into a reservoir productive of oil or gas, Harvey Unit (02778), Well Nos. 301, 501, 608, 803, 805, 808, 809, 6016, 8011, 8014, 8019, 8022, 8043, 605r, 6010r, 6013r, 6014r, 8012r, 8016r, 8020r, 8025r, 8027r, 8028r, 8030r, 8031r, 8037r, 8038r, 8039r and 903r, Panhandle Hutchinson County Field, Hutchinson County, Texas. The Commission unanimously denied the motion for rehearing.

AGREED ENFORCEMENT ORDERS

The Commission unanimously approved the following agreed orders:

Oil and Gas

6. O&G 09-0258508: Brahman Operating, L.L.C. enforcement action regarding Oliver (25655) Lease, Well Nos. 6 and 10, Archer County Regular (03446001) Field, Archer County, Texas Violation of Statewide Rule 73.

7. O&G 03-0252895: Smith, L. C. enforcement action regarding Fred-David Unit (10921) Lease, Well No. 01, Alta Loma, S. (Big Gas Sd) (01983490) Field, Galveston County, Texas. Violation of Rules 14(b)(2) and (3); and 3(1), (2), and (3).

8. O&G 02-0253433: Aurora Resources Corporation enforcement action regarding Arthur Richter Gas Unit (102064) Lease, Well No. 2, George West, W. (7250) (34501425) Field, Live Oak County, Texas. Violation of Statewide Rule 14(b)(2) and (3).

9. O&G 09-0256761: Leonard Brothers Operating Co. enforcement action regarding (496670) Operator, Harmon (14777) Lease, Well Nos. 2, 3, and 5, Young County Regular (99480001) Field, Young County, Texas. Violation of Statewide Rules 14(b)(2) and (3); 3(1); and 8(d)(1) and (2).

10. O&G 02-0258240: Sure Flow Oil & Gas, Inc. enforcement action regarding Smajstrla Unit (151159) Lease, Well No. 1r, Welder Ranch (2950) (96110426) Field, Victoria County, Texas. Violation of Statewide Rules 14(b)(2); and 9(11) and (12).

11. O&G 09-0257795: It'll Do Oil Company enforcement action regarding Householder Estate Lse. # 6a (0657663) Permit, Clay County Regular (18707001) Field, Clay County, Texas. Violation of Statewide Rules 13(b)(2)(A)(i) and (G); and 14(b)(3).

12. O&G 03-0256807: Choctaw Resources, Inc. enforcement action regarding Guiterman-Quinn Unit Lse. Well 1 (0614574) Permit, China, South (17802001) Field, Jefferson County, Texas. Violation of Statewide Rules 16(b); and 3(2).

13. O&G 7B-0258138: Sojourner Drilling Corporation enforcement action regarding (800750) Operator, Sojo Sect. 50 (29838) Lease, Well No. 02, Noodle, NW. (Noodle Creek) (65823800) Field, Jones County, Texas. Violation of Statewide Rules 3(1) and (2); and 8(d)(2).

14. O&G 01-0252065: Ipact enforcement action regarding Hinds, Addie, Et al. -B- (03706) Lease, Well No. 01, Salt Flat (79905001) Field, Caldwell County, Texas. Violation of Statewide Rule 14(b)(2) and (3); and 13(b)(1)(B).

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15. O&G 04-0258137: Reveille Resources enforcement action regarding Ramirez Lease, Well No. 1a (0660046) Permit, Wildcat (00008001) Field, Hidalgo County, Texas. Violation of Statewide Rule 5(c).

LP-Gas

16. LP-Gas Docket No. 1996: Seaman L.P. Gas, Inc. enforcement action for violation of LP-Gas Safety Rule §180.407(c), at Seaman L.P. Gas, Inc., P.O. Box 1863, Buna, Jasper County, Texas.

17. LP-Gas Docket No. 1999: Gore Propane, L.L.C. enforcement action for violation of LP-Gas Safety Rule §9.132, at Eagle Rental of Mont Belvieu, Inc., 4301 FM 565 N., Mont Belvieu, Chambers County, Texas.

Underground Pipeline Damage Prevention

18. Damage Prevention Docket No. 000481: City of Alvin enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.3(e), at 317 Beauregard, Alvin, Brazoria County, Texas.

19. Damage Prevention Docket No. 000497: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(b), at 2465 Eastern Blvd., Brownsville, Cameron County, Texas.

20. Damage Prevention Docket No. 000517: M. J. Sheridan of Texas, Inc. enforcement action for violation of Underground Pipeline Damage Prevention Rules 16 TAC §§18.3(e) and 18.10(b), at Throckmorton St., at Fenet St., McKinney, Collin County, Texas.

21. Damage Prevention Docket No. 000518: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(b), at 3201 Hancock Drive, Austin, Travis County, Texas.

22. Damage Prevention Docket No. 000521: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(b), at 607 Josephine Street, Austin, Travis County, Texas.

23. Damage Prevention Docket No. 000566: Conatser Construction Tx LP enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.10(b), at 5425 Diaz, Fort Worth, Tarrant County, Texas.

24. Damage Prevention Docket No. 000567: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(b), at 908 Chamberlain, Irving, Dallas County, Texas.

25. Damage Prevention Docket No. 000569: Conatser Construction Tx LP enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.10(b), at 5608 Kings Ct., Fort Worth, Tarrant County, Texas.

26. Damage Prevention Docket No. 000572: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 10226 Betty Lane, Dallas, Dallas County, Texas.

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27. Damage Prevention Docket No. 000573: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 990 Laguna Drive, Coppell, Dallas County, Texas.
28. Damage Prevention Docket No. 000575: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at Merrick & Collinwood, Fort Worth, Tarrant County, Texas.
29. Damage Prevention Docket No. 000576: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 520 Cashmere, Garland, Dallas County, Texas.
30. Damage Prevention Docket No. 000577: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 4312 Normandy, Fort Worth, Tarrant County, Texas.
31. Damage Prevention Docket No. 000578: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at Linwood & Elsby, Dallas, Dallas County, Texas.
32. Damage Prevention Docket No. 000579: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at Arcadia and Red Bud, Hurst, Tarrant County, Texas.
33. Damage Prevention Docket No. 000580: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 6718 Pecan, Frisco, Collin County, Texas.
34. Damage Prevention Docket No. 000581: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 1008 Ave. B, Cisco, Eastland County, Texas.
35. Damage Prevention Docket No. 000582: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 5400 Ramey, Fort Worth, Tarrant County, Texas.
36. Damage Prevention Docket No. 000583: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 4555 Elsby, Dallas, Dallas County, Texas.
37. Damage Prevention Docket No. 000584: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 2009 Woods, Haltom City, Tarrant County, Texas.
38. Damage Prevention Docket No. 000585: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 4022 Gus Thommasson, Mesquite, Dallas County, Texas.
39. Damage Prevention Docket No. 000586: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 3501 Beverly Dr., Haltom City, Tarrant County, Texas.

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40. Damage Prevention Docket No. 000587: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 900 S. Valley Mills Drive, Waco, McLennan County, Texas.
41. Damage Prevention Docket No. 000588: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 2727 Foreman, Dallas, Dallas County, Texas.
42. Damage Prevention Docket No. 000589: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 1851 Greenville Ave., Richardson, Collin County, Texas.
43. Damage Prevention Docket No. 000593: Conatser Construction Tx LP enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.10(b), at 5624 S. Hampshire Road, Fort Worth, Tarrant County, Texas.
44. Damage Prevention Docket No. 000594: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 6809 Van Natta, Fort Worth, Tarrant County, Texas.
45. Damage Prevention Docket No. 000598: Conatser Construction Tx LP enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.4(g), at alley between Clover and Thomas Place, Fort Worth, Tarrant County, Texas.
46. Damage Prevention Docket No. 000602: City of Lewisville, enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.10(b), at 1930 Sierra Drive, Lewisville, Denton County, Texas.
47. Damage Prevention Docket No. 000605: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at Teasley/Londonderry, Denton, Denton County, Texas.
48. Damage Prevention Docket No. 000607: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(b), at 5000 Plaza Drive, Irving, Dallas County, Texas.
49. Damage Prevention Docket No. 000615: Conatser Construction Tx LP enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.4(a), at 1020 Weiler, Fort Worth, Tarrant County, Texas.
50. Damage Prevention Docket No. 000616: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(b), at Lot 3 Joshua Way, Granbury, Hood County, Texas.
51. Damage Prevention Docket No. 000617: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(b), at 1860 Precinct Line, Hurst, Tarrant County, Texas.
52. Damage Prevention Docket No. 000619: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(b), at 9308 Forest Lane, Dallas, Dallas County, Texas.

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53. Damage Prevention Docket No. 000620: Steve Hatcher Plumbing enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.4(b), at 8508 McCormick Ct., Fort Worth, Tarrant County, Texas.

54. Damage Prevention Docket No. 000621: City of Garland enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.10(b), at 1140 Rock Creek, Garland, Dallas County, Texas.

55. Damage Prevention Docket No. 000622: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(b), at 8604 Lohr Valley Rd., Irving, Dallas County, Texas.

56. Damage Prevention Docket No. 000623: City of Garland enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.3(a), at East Avenue A & First Street, Garland, Dallas County, Texas.

57. Damage Prevention Docket No. 000627: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.1, at 400 N. Loop 288, Denton, Denton County, Texas.

58. Damage Prevention Docket No. 000629: Calco Contracting, LTD enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.11(b), at 11743 Taylorcrest, Houston, Harris County, Texas.

59. Damage Prevention Docket No. 000641: City of Garland enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.11(b), at 4701 Miami, Garland, Dallas County, Texas.

60. Damage Prevention Docket No. 000647: Camino Construction LP enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.11(b), at 844-903 Throckmorton, McKinney, Collin County, Texas.

61. Damage Prevention Docket No. 000651: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 828 Skyline, Duncanville, Dallas County, Texas.

62. Damage Prevention Docket No. 000652: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 1603 Water Oaks, Bryan, Brazos County, Texas. West Texas Division

63. Damage Prevention Docket No. 000655: Atmos Energy, West Texas Division enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 500 NW J, Seminole, Gaines County, Texas.

64. Damage Prevention Docket No. 000656: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 1100 Blk. Edmond, San Angelo, Tom Green County, Texas.

65. Damage Prevention Docket No. 000657: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 2635 N. Bryant, San Angelo, Tom Green County, Texas.

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66. Damage Prevention Docket No. 000658: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 318 E. Downs, Temple, Bell County, Texas.

67. Damage Prevention Docket No. 000659: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 2409 Briargate, Bryan, Brazos County, Texas.

68. Damage Prevention Docket No. 000660: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 908 North Ave. Bryan, Brazos County, Texas.

69. Damage Prevention Docket No. 000661: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 5 E. Killen, Temple, Bell County, Texas.

70. Damage Prevention Docket No. 000662: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 912 Josephine Street, Austin, Travis County, Texas.

71. Damage Prevention Docket No. 000664: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 1805 Santa Clara Street, Austin, Travis County, Texas.

72. Damage Prevention Docket No. 000672: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at South Industrial Drive at South Congress, Austin, Travis County, Texas.

73. Damage Prevention Docket No. 000676: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 8952 Random, Fort Worth, Tarrant County, Texas.

74. Damage Prevention Docket No. 000679: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 5612 Champions, Plano, Collin County, Texas.

75. Damage Prevention Docket No. 000680: Riddell Plumbing, Inc. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.11(b), at 5612 Champions, Plano, Collin County, Texas.

76. Damage Prevention Docket No. 000681: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 1912 Debbie, Bryan, Brazos County, Texas.

77. Damage Prevention Docket No. 000682: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 2505 Wood River Pkwy, Mansfield, Tarrant County, Texas.

78. Damage Prevention Docket No. 000685: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 2406 Wood River Pkwy, Mansfield, Tarrant County, Texas.

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79. Damage Prevention Docket No. 000687: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 1000 Murphy, Colleyville, Tarrant County, Texas.

80. Damage Prevention Docket No. 000688: Wright Construction enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.11(b), at Murphy Road & Precinct Line Road, Tarrant, Colleyville County, Texas.

81. Damage Prevention Docket No. 000689: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 406 N. Alamo, Rockwall, Rockwall County, Texas.

82. Damage Prevention Docket No. 000690: PJC Utility Contracting enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.11(b), at 406 N. Alamo, Rockwall, Rockwall County, Texas.

83. Damage Prevention Docket No. 000694: City of Alvarado enforcement action for violation of Underground Pipeline Damage Prevention Rules 16 TAC §§18.11(b) and 18.4(g), at 200 E. Patton, Alvarado, Johnson County, Texas.

84. Damage Prevention Docket No. 000699: City of Garland enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.11(b), at 4005 Cornell, Garland, Dallas County, Texas.

85. Damage Prevention Docket No. 000710: City of Paris enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.11(b), at 2360 North Main, Paris, Lamar County, Texas.

86. Damage Prevention Docket No. 000712: Jhabores Construction Company, Inc. enforcement action for violation of Underground Pipeline Damage Prevention Rules 16 TAC §§18.10(b) and 18.11(b), at 6101 S.P.I.D., Corpus Christi, Nueces County, Texas.

87. Damage Prevention Docket No. 000718: Sunterra Landscape Services enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.3(a), at 500 East Stassney Lane, Austin, Travis County, Texas.

88. Damage Prevention Docket No. 000719: Zachry Construction Corporation Job 7758 enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.3(a), at 2119 NE Loop 410, San Antonio, Bexar County, Texas.

89. Damage Prevention Docket No. 000722: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.8(a), at 820 Stark Street, Austin, Travis County, Texas.

90. Damage Prevention Docket No. 000724: A & L Underground, Inc. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.10(b), at 7979 Broadway, San Antonio, Bexar County, Texas.

91. Damage Prevention Docket No. 001004: North Houston Pole Line enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.3(a), at Danshire (FM 526), Houston, Harris County, Texas.

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92. Damage Prevention Docket No. 001007: Landmark Electric Corporation enforcement action for violation of Underground Pipeline Damage Prevention Rules 16 TAC §§18.3(a) and 18.11(b), at 12907 Palm Leaf, Houston, Harris County, Texas.

93. Damage Prevention Docket No. 001009: A-1 Electric enforcement action for violation of Underground Pipeline Damage Prevention Rules 16 TAC §§18.10(b) and 18.11(b), at 1800 Industrial Park Drive (Buffalo), Raymondville, Willacy County, Texas.

94. Damage Prevention Docket No. 001016: North Houston Pole Line enforcement action for violation of Underground Pipeline Damage Prevention Rules 16 TAC §§18.10(b) and 18.11(b), at 4407 Dusty Meadow (Sage Walk Lane), Missouri City, Fort Bend County, Texas.

95. Damage Prevention Docket No. 001017: Morris Construction Inc. enforcement action for violation of Underground Pipeline Damage Prevention Rules 16 TAC §§18.3(a) and 18.11(b), at Hwy 281 (Motel 6), Falfurias, Brooks County, Texas.

96. Damage Prevention Docket No. 001024: A & A Cable Contractors, Inc. enforcement action for violation of Underground Pipeline Damage Prevention Rules 16 TAC §§18.10(b) and 18.11(b), at Montebello at Kessler Crossing, League City, Galveston County, Texas.

97. Damage Prevention Docket No. 001036: Gilco Contracting, Inc. enforcement action for violation of Underground Pipeline Damage Prevention Rules 16 TAC §§18.3(a) and 18.11(b), at 1913 Hurley (Richmond), Fort Worth, Tarrant County, Texas.

98. Damage Prevention Docket No. 001064: Valley View Electric, LP enforcement action for violation of Underground Pipeline Damage Prevention Rules 16 TAC §§18.3(a) and 18.11(b), at 3406 Ivory Creek (1604 & Bitters Road), San Antonio, Bexar County, Texas.

99. Damage Prevention Docket No. 001067: Vinco Construction, Inc. enforcement action for violation of Underground Pipeline Damage Prevention Rules 16 TAC §§18.10(b) and 18.11(b), at 600 E. Market Street (Bowie Street), San Antonio, Bexar County, Texas.

100. Damage Prevention Docket No. 001075: Integrated Roadway Services enforcement action for violation of Underground Pipeline Damage Prevention Rules 16 TAC §18.11(b), at Northwest Hwy at Shiloh Road, Garland, Dallas County, Texas.

101. Damage Prevention Docket No. 001081: Mike Barker Construction enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.11(b), at 700 North Third St (Pecan Street), Bangs, Brown County, Texas.

102. Damage Prevention Docket No. 001083: Reynolds and Kay LTD enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.3(e), at 1606 E. Main (Lakeway), Whitehouse, Smith County, Texas.

103. Damage Prevention Docket No. 001089: N.C.T. Plg. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.11(b), at 6728 Marabella, Irving, Dallas County, Texas.

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104. Damage Prevention Docket No. 001111: PJC Utility Contracting enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.11(b), at 704 N. Goliad, Rockwall, Dallas County, Texas.

105. Damage Prevention Docket No. 001128: Hernandez Cable enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.10(b) and 18.11(b), at Yorkshire (Bear Creek), Glenn Heights, Dallas County, Texas.

106. Damage Prevention Docket No. 001131: Mike French Plumbing enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.11(b), at 1410 W. Ferguson (Clayton), Mt. Pleasant, Titus County, Texas.

107. Damage Prevention Docket No. 001136: Austin Hi-Tech Restoration, Inc. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.3(a), at 3600 Balcones (35th), Austin, Travis County, Texas.

108. Damage Prevention Docket No. 001183: Collective Contracting, Inc. enforcement action for violation of Underground Pipeline Damage Prevention Rule 16 TAC §18.10(b), at 318 South Getty (Doughty), Uvalde, Uvalde County, Texas.

OTHER UNPROTESTED: GRIP FILING EXTENSION

109. GUD No. 9829: Application of Atmos Energy, West Texas Division, for the test year 2007 annual interim rate adjustment for the environs areas of the cities in the West Texas Rate Division.

OIL AND GAS CONSENT AGENDA

The Commission unanimously approved the following applications:

110. O&G 7C-0258734: Pioneer Natural Res. USA, Inc. amend field rules for the Spraberry (Trend Area) Field (RRC #S 85280300 and 85279200), Andrews, Crane, Crockett, Irion, Glasscock, Midland, Martin, Reagan, and Upton Counties, Texas (RRC Districts 7C and 08).

111. O&G 08-0258732: Range Production Company amend field rules for the Fuhrman-Mascho Field, Andrews, Ector, and Midland Counties, Texas.

112. O&G 08-0258733: Browning Oil Company, Inc. to consider temporary field rules for the Campo Petrolero (Connell) (15173500) Field, Pecos County, Texas.

113. O&G 08-0258735: Devon Energy Production Co, L.P. to consider a net gas-oil ratio for McElroy Ranch Co. -G- Lease, Well No.22, J. Cleo Thompson (Detrital) (44964500) Field, Crane County, Texas.

114. O&G 7C-0258433: TXP, Incorporated to consider a field-wide net gas-oil ratio for Lucky-Mag (Divide Sand) (55504400) Field, Irion County, Texas.

115. O&G 04-0257210: Reveille Resources to consider temporary field rules for the Daskam, South (Rincon) (23209300) Field, Hidalgo County, Texas.

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116. O&G 06-0258760: Cabot Oil & Gas Corporation for blanket SWR 10 exception for all current and future wells operated in the Brachfield, S.E. (Cotton Valley) and Minden (Travis Peak Cons.) Fields, Rusk and Panola Counties, Texas.

OIL AND GAS MASTER DEFAULT ORDERS

The Commission unanimously approved the following default orders:

117. O&G 01-0256707: Express Oil and Gas enforcement action regarding Harris A (05017) Lease, Well No. 01, Pearsall (Austin Chalk) (69981125) Field, Frio County, Texas. Violation of Statewide Rules 14(b)(2); 3(2); and 8(d)(1).

118. O&G 03-0256757: Petroleum Capital, L.C. enforcement action regarding Singleton, R.P. et al. (20561) Lease, Well No. 01, Worthum (Hackberry) (98894460) Field, Orange County, Texas. Violation of Statewide Rules 14(b)(2) and (3).

119. O&G 7C-0256184: Always Consulting, Inc. enforcement action regarding Pfluger "D" (09266) Lease, Well No. 01, Celery (Strawn B) (16643500) Field, Russell Heirs (16066) Lease, Well No. 05, P-C, SW (Strawn, Lower) (68037500) Field, Menard County, Texas. Violation of Statewide Rules 14(b)(2); 3(2); and 8(d)(4)(G)(i)(I).

120. O&G 09-0256813: Energy Group of America, Inc. enforcement action regarding (252018) Operator, Fayette Co. School Land -E- (01424) Lease, Well Nos. 1, 3, 5, 7, 8, 9x, 10, 11, 12, 14, 15, 16 and 17, Rendham Pool (75905001) Field, Baylor County, Texas. Violation of Statewide Rules 8(d)(1) and (2); 3(2); 46(a); 13(b)(1)(B); and 14(d)(8).

121. O&G 09-0256816: PB Oil Company enforcement action regarding Johnston, J. N. (26026) Lease, Well No. 03, Bryant-Dobos (Congl) (12754500) Field, Wilbarger County, Texas. Violation of Statewide Rule 8(d)(1).

ADMINISTRATIVE MATTERS

OIL AND GAS DIVISION

122. Update on the Daisetta sinkhole. The Commission received an update on the status of the sinkhole.

COMMISSIONERS

Chairman Williams

123. The August 4, 2008, report on the internal audit of drilling permit section of the Oil and Gas Division, and directives to staff regarding the audit recommendations. The Commission received an update on the status of the audit recommendations and established deadlines for implementation plans.

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124. A letter from the Commission to Chairman Chisum requesting that the State Auditor's Office conduct an audit of the drilling permit section of the Oil and Gas Division and stating the purpose, scope, and methodology of the audit, and requesting funds for such an audit. On motion of Chairman Williams, the Commission unanimously approved the Executive Director to prepare the letter to the State Auditor's Office and Chairman Chisum and that he work with the Commissioners' staff in developing the appropriating language.

Commissioner Jones

125. Proposals to address critical staffing, financial and resource needs of the Commission. The Commission discussed this item and will continue consideration at the next conference.

PUBLIC INPUT

126. 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. No member of the public provided input at this time.

OFFICE OF GENERAL COUNSEL-HEARINGS SECTION

OIL AND GAS PROTESTED

ORAL ARGUMENT

127. O&G 0249959: Crest Resources, Inc. to consider an exception to Statewide Rule 37 for the Champ Davis Lease, Well No. 156, Stiles Ranch, South (Morrow, Lo) (86127250) Field, Ivester (Atoka) (44858500) Field, Stiles Ranch (Granite Wash) (86125200) Field, Stiles Ranch (Atoka) (86125100) Field, Stiles Ranch (Morrow) (86125300) Field, Wheeler County, Texas. Chairman Williams and Commissioner Carrillo heard the oral arguments regarding this matter. Commissioner Jones recused herself and was not present. No further action was taken and the Commission will consider formal action regarding this matter at the next conference on November 12, 2008.

The conference was adjourned at 12:30 am.