

**RAILROAD COMMISSION OF TEXAS  
GAS SERVICES DIVISION**

**GAS UTILITIES  
INFORMATION BULLETIN**

**No. 760**



**RAILROAD COMMISSION  
OF TEXAS**

**Victor G. Carrillo, Chairman  
Charles R. Matthews, Commissioner  
Michael L. Williams, Commissioner**

**Stephen L. Pitner  
Director  
Gas Services Division**

**November 27, 2004**

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Orders were issued in the following dockets:

**GUD DOCKET NO. 9488 – 9512, 9520, 9521 and 9526: STATEMENT OF INTENT FILED BY WEST TEXAS GAS, INC., TO INCREASE SPECIAL RATES IN THE UNINCORPORATED TOWNS AND RURAL AREAS, ENVIRONS, AND APPEALS FROM THE DECISIONS OF THE CITIES OF BALMORHEA, CLAUDE, DARROUZZETT, EDEN, FARWELL, FOLLETT, GROOM, HIGGINS, JUNCTION, MENARD, MIAMI, MOBEETIE, SHAMROCK, STRATFORD, TEXHOMA, WHEELER, PAINT ROCK, CACTUS, CANADIAN, KERMIT, NATALIA, SOMERSET, SONORA, AND TEXLINE**

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**SECTION 1**  
**NEW APPEALS AND APPLICATIONS FILED**

**DOCKET NO.** -- 9554  
**CAPTION** -- Application of Energy Transfer Partners, LP for Review of Acquisition from TXU Fuel  
**DATE FILED** -- November 12, 2004  
**FILED BY** -- Daniel Renner  
**EXAMINER** -- Mark Brock

**SECTION 2**  
**APPEALS AND APPLICATIONS SET FOR HEARING OR PREHEARING CONFERENCE**

**DOCKET NO.** -- 9364  
**CAPTION** -- Joint Petition of CenterPoint Energy Entex and the City of Tyler for Review of Charges for Gas Sales  
**EXAMINER** -- Eugene Montes  
**DATE & TIME** -- December 7, 2004 at 1:00 p.m.  
**PLACE** -- 1701 N. Congress Avenue Austin, Texas 78701

**DOCKET NO.** -- 9546  
**CAPTION** -- Complaint of WTG Gas Marketing, Inc. Against Oasis Pipe Line L.P. Regarding Unjust and Unreasonable Rates  
**EXAMINER** -- Eugene Montes  
**DATE & TIME** -- January 27, 2005 at a time to be determined  
**PLACE** -- 1701 N. Congress Avenue Austin, Texas 78701

**SECTION 3**  
**STATUS OF PENDING CASES**

**None at this time.**

**SECTION 4**  
**NOTICES OF DISMISSAL**

**None at this time.**

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**SECTION 5**  
**ORDERS OF THE COMMISSION**

**BEFORE THE**  
**RAILROAD COMMISSION OF TEXAS**

STATEMENT OF INTENT FILED BY WEST TEXAS §  
GAS, INC., TO INCREASE SPECIAL RATES IN THE §  
UNINCORPORATED TOWNS AND RURAL AREAS, §  
ENVIRONS, AND APPEALS FROM THE DECISIONS §  
OF THE CITIES OF BALMORHEA, CLAUDE, §  
DARROUZZETT, EDEN, FARWELL, FOLLETT, §  
GROOM, HIGGINS, JUNCTION, MENARD, MIAMI, §  
MOBEETIE, SHAMROCK, STRATFORD, TEXHOMA, §  
WHEELER, PAINT ROCK, CACTUS, CANADIAN, §  
KERMIT, NATALIA, SOMERSET, SONORA, AND §  
TEXLINE, §  
§  
§  
§

**GAS UTILITIES DOCKET**  
**NO. 9488 - 9512, 9520, 9521 & 9526**

**FINAL ORDER**

Notice of Open Meeting to consider this Order was duly posted with the Secretary of State within the time period provided by law pursuant to TEX. GOV'T CODE ANN. Chapter 551 *et seq.* (Vernon 1994 & Supp. 2004). The Railroad Commission of Texas adopts the following findings of fact and conclusions of law and orders as follows:

**FINDINGS OF FACT**

1. West Texas Gas, Inc. owns and operates a natural gas public utility in the Cities of Balmorhea, Cactus, Canadian, Claude, Darrouzett, Eden, Farwell, Follett, Groom, Higgins, Junction, Kermit, Menard, Miami, Mobeetie, Natalia, Paint Rock, Shamrock, Somerset, Sonora, Stratford, Texhoma, Texline, and Wheeler and in their environs. WTG also operates a natural gas public utility in several unincorporated towns and rural areas: Andrews, Armstrong \*(Goodnight), Atascosa, Bailey, Bexar, Brewster, Briscoe, Brown, Carson, Castro, Cochran, \*(Bledsoe), Coleman, Collingsworth, Concho, Crosby, Culberson, Dallam, \*(Kerrick), Dawson, Deaf Smith, Dimmitt, Donley, Floyd, Frio, Gaines, Gray, Hale, Hall, Hansford, Harley, Hemphill, \*(Glazier), Hockley, Hutchinson, Jeff Davis, Kimble, Kinney, LaSalle, Lamb, Lipscomb, Lubbock, Lynn, McCulloch, \*(Lohn), Martin, Maverick, Median, Menard, Moore, \*(Etter), Ochiltree \*(Farnsworth, Waka), Oldham, Parmer, Pecos \*(Coyanosa, Imperial), Potter, Presidio, Randall, Reeves \*(Saragosa), Roberts, Runnels, Sherman, Sutton, Swisher, Terry, Tom Green \*(Christoval), Uvalde, Val Verde, Wheeler, \*(Allison, Briscoe), Wilson, Winkler, Yoakum and Zavala \*(La Pryor) Counties, Texas.
2. WTG sought rate increases within twenty-four (24) cities: (1) City of Balmorhea, (2) City of Claude, (3) City of Darrouzett, (4) City of Eden, (5) City of Farwell, (6) City of Follett, (7) City of Groom, (8) City of Higgins, (9) City of Junction, (10) City of Menard, (11) City of Miami, (12) City of Mobeetie, (13) City of Shamrock, (14) City of Stratford, (15) City of Texhoma, (16) City of Wheeler, (17) City of Paint Rock (18) City of Cactus, (19) City of

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Canadian, (20) City of Kermit, (21) City of Natalia, (22) City of Somerset, (23) City of Sonora, and (24) City of Texline (Twenty-Four Cities).

3. The Twenty-Four Cities denied the requested rate increase and WTG appealed.
4. WTG filed a Statement of Intent with the Railroad Commission to increase rates in environs of the Twenty-Four Cities and WTG also filed a Statement of Intent to Change Special Gas Distribution Rates for the unincorporated towns and rural areas served by WTG.
5. On April 23, 2004, the Commission suspended the implementation of WTG's proposed rates for 150 days after the date the rate schedule would otherwise be effective.
6. The parties agreed to abate the proceedings to allow time for settlement negotiations. The abatement period ended August 31, 2004.
7. The statutory deadline is February 24, 2004.
8. The data submitted by WTG in this docket encompasses a full test-year, i.e. the twelve months period ending September 30, 2003.
9. As the cases were originally filed, WTG stated that it sought a total rate increase of \$2,152,912, including miscellaneous service revenues.
10. WTG sought the creation of two rate zones: a North Zone and a South Zone.
11. Several letters were filed by citizens protesting the proposed rate increase.
12. The following cities intervened in this case: Cactus, Canadian, Farwell, Follett, Higgens, Kermit, Miami, Mobeetie, Natalia, Shamrock, Somerset, Sonora, Texline, and Wheeler (WTG Coalition of Cities).
13. The case was abated, to allow an opportunity for the parties to negotiate a settlement.
14. The parties reached an agreement in this case and an *Amended Statement of Intent* was filed on October 1, 2004.
15. The overall revenue increase proposed in the *Amended Statement of Intent* was \$1,052,641, including miscellaneous service revenues.
16. The parties agreed that neither WTG's initial statements of intent nor the agreement of the parties, nor any Final Order and/or city actions taken to effectuate the agreement, shall be used by WTG to satisfy the condition of Texas Utilities Code § 104.301(a) as to the filing of a rate case within two years prior to filing for an "Interim Adjustment for Changes in Investment" pursuant to that section.
17. WTG's capital structure, based upon the settlement, is comprised of 48.1 percent debt and 51.9 percent equity, with a cost of equity of 10.5 percent and cost of debt of 7.17 percent, resulting in an overall rate of return of 8.9 percent.
18. The parties agreed that the following depreciation rates are reasonable: Account 374, Land & Land Right - Distribution Plant, 1.82%; Account 376.0 Mains - Distribution Plant, 2.26%; Account 377.0, Compressor Station - Distribution Plant, 4.06%; Account 378.0, Meas. & Reg. Station Equipment - Distribution Plant, 4.06%, Account 387.0, Other Equipment - Distribution Plant, 4.06%, Account 389.0, Land & Land Rights - General Plant, 2.86%, Account 390.0, Structures & Improvements - General Plant, 7.41%, Account 391.0 Office & Furniture Equipment - General Plant, 4.66%, Account 392.0, Transportation Equipment - General Plant, 20.07%, Account 394.0, Tools Shop & Garage Equipment - General Plant, 6.14%, Account 397.0, Communications Equipment - General Plant, 6.88%, Account 398.0, Miscellaneous Equipment - General Plant, 7.23%.

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19. The proposed rates in the *Amended Statement of Intent* would apply system-wide throughout WTG's entire service area.
20. The proposed rates consolidate four classes of customers into two classes: Domestic and Non-domestic.
21. Domestic customers are residential customers and non-domestic customers are small and large volume commercial customers, and public authority customers.
22. WTG proposed a customer charge of \$9.00 and a volumetric charge of \$2.42 per Mcf for the Domestic customers in all areas served by WTG, as shown in Attachment I.
23. WTG proposed a customer charge of \$12.00 and volumetric charge of \$2.27 per Mcf for the Non-Domestic customers in all areas served by WTG, as shown in Attachment I.
24. WTG also proposed adoption of a purchase gas adjustment clause applicable in four gas cost zones, as shown in Attachment I.
25. The current WTG purchase gas adjustment clause is contained in each of WTG's multiple tariffs.
26. The consolidated purchase gas adjustment clause would simplify administration of WTG's operations.
27. WTG will file its first gas cost adjustment calculation (Initial Gas Cost Calculation) with the Director of the Gas Services Division and provide sufficient detail to allow the Commission, as well as the municipal regulatory authorities, to review the calculation of the purchase gas adjustment.
28. WTG makes the majority of its gas purchases from affiliates and no evidence of actual costs of the affiliate was presented at the hearing.
29. Evidence in the record shows that some gas purchases from affiliates were higher than purchases from non-affiliated parties.
30. All affiliate transactions must be reasonable and necessary and the price paid by WTG should not be higher than the prices paid by other affiliates or divisions or by non-affiliated persons to the supplying affiliates.
31. WTG seeks to purchase gas at the lowest costs.
32. WTG will file a Gas Purchase Report with the Commission which will analyze WTG's methodology in analyzing its gas purchases, explain that its affiliate purchases comply with TEX. UTILITIES CODE ANN. 104.055(b), and explain how its affiliate gas purchases were not in excess of the price that would have been paid to a non-affiliated third party.
33. The Gas Purchase Report will include an analysis of any costs of the affiliate passed through to the residential and commercial customer added to the purchased price of gas and may include any analysis of the return, if any, earned by the affiliate.
34. The Gas Purchase Report shall be filed at the time the reconciliation is conducted and shall coincide with the reconciliation, described in Section 3 of WTG's Tariff, attached as Attachment I.
35. The "purchased gas adjustment clause" is reasonable under the criteria in 16 TEX. ADMIN. CODE § 7.55, and should be approved.
36. The method for dealing with imbalances, like all utility practices, must be just and reasonable, and it should not impose costs on customers who are not responsible for their incurrence.

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37. WTG's lost and unaccounted for gas shall not exceed the actual amount of lost and unaccounted for gas, to a maximum of five percent as required by 16 TEX. ADMIN. CODE § 7.5525.
38. In the past, WTG has experienced levels of lost and unaccounted for gas that ranged from a negative 466 percent to a positive 45 percent.
39. Those levels of lost and unaccounted for gas were based upon accounting adjustments, timing differences in meter reading dates, imbalances, and actual lost and unaccounted for gas.
40. WTG agreed to submit a report explaining lost and unaccounted for gas (LUG Report) for any area in which lost and unaccounted for gas shows a gain or exceeds five percent.
41. WTG's proposed methodology for calculating the monthly imbalance does not appear to impose gas costs on the residential, commercial, and public authority customers that were not incurred by them.
42. WTG proposed to change certain services and miscellaneous service charges as reflected in Attachment I.
43. The miscellaneous service fees reflected in the attached tariffs, attached as Attachment I, are just and reasonable.
44. WTG provided adequate notice to customers through publication in a newspaper of general circulation and direct mail.
45. A hearing was held to consider the reasonableness of the *Amended Statement of Intent* on October 27, 2004.
46. Pursuant to the Quality of Service Rules, the due date of the bill shall not be less than 15 days after issuance of the bill.
47. The total rate case expenses for WTG in this case is \$369,024.15.
48. Of that amount, WTG seeks recovery of \$320,000 in rate case expenses.
49. The total rate case expenses for the WTG Coalition of Cities is \$109,900.44.
50. The WTG Coalition of Cities seek to recover actual expenses of \$94,069.69 and estimated future expenses of \$5,930.31.
51. Total rate case expenses sought to be recovered are \$420,000. These rate case expenses are reasonable and should be approved.

#### CONCLUSION OF LAW

1. WTG is a gas utility as defined in TEX. UTIL. CODE ANN. § 101.003 (7) and TEX. UTIL. CODE ANN. § 102.001 (Vernon Supp. 2004), and is subject to the Commission's jurisdiction under TEX. UTIL. CODE ANN. §§ 104.002 & 121.051 (Vernon 1998).
2. The Commission has jurisdiction over the subject matter of this case under TEX. UTIL. CODE ANN. § 102.001 (Vernon 1998).
3. The revenue, rates, and rate design recommended in the findings of fact are just and reasonable, are not unreasonably preferential, prejudicial, or discriminatory, and are sufficient, equitable, and consistent in application to each class of consumer, as required by TEX. UTIL. CODE ANN. § 104.003 (Vernon 2004).

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4. The revenue, rates, and rate design recommended in the findings of fact fix an overall level of revenues for WTG that will permit WTG a reasonable opportunity to earn a reasonable return on invested capital used and useful in rendering service to the public over and above reasonable and necessary operating expenses, within the meaning and intent of TEX. UTIL. CODE ANN. § 104.052 (Vernon 2004).
5. It is reasonable for the Commission to allow WTG to include a purchased gas adjustment clause in its rates to provide for the flow through of part or all of its gas costs, under 16 TEX. ADMIN. CODE § 7.55 (West 1999).
6. The Commission has the authority to allow WTG to recover rate case expenses through a surcharge on its rates, under TEX. UTIL. CODE ANN. § 104.051 (Vernon 2004).
7. If a gas utility does not produce the service that it distributes, transmits, or furnishes to the public for compensation but obtains the service from another source the regulatory authority may investigate the cost of that production in an investigation of the reasonableness of the gas utility's rates. TEX. UTIL. CODE ANN. § 104.152.
8. Criteria to be used by the Commission in determining whether or not to grant a gas utility a purchase gas adjustment clause as well as the percentage thereof shall include but not be limited to: (1) the ability of the gas utility to control prices for gas purchased as affected by competition and relative competitive advantage; (2) the probability of continued frequent price changes; and (3) the availability of alternate gas supply sources. 16 TEX. ADMIN. CODE. § 7.5519.
9. The Commission shall determine in each case the necessary reporting, filing, and other procedures to be followed by a gas utility in implementing a purchased gas adjustment clause, if any, as well as other items of expense that fluctuate with gas costs which may be included in such a clause. 16 TEX. ADMIN. CODE. § 7.5519.

**IT IS THEREFORE ORDERED BY THE RAILROAD COMMISSION OF TEXAS THAT** WTG's rates as requested in the *Amended Statement of Intent*, and reflected in Attachment I, and to the extent recommended to be approved in the findings of fact and conclusions of law, are **HEREBY APPROVED** to be effective for bills rendered on and after the date of this order.

**IT IS FURTHER ORDERED THAT** WTG **SHALL** file its Initial Gas Cost Calculation with the first effective gas cost adjustment after the effective date of this order with the Gas Services Division and monthly thereafter electronically.

**IT IS FURTHER ORDERED THAT** WTG **SHALL** include in its purchased gas adjustment only its reasonable and necessary gas purchase expenses, and, that the reasonableness and prudence of WTG's gas purchases pursuant to its Purchased Gas Adjustment clause may be subject to an adjustment and potential refund in a subsequent proceeding.

**IT IS FURTHER ORDERED THAT** WTG **SHALL** file its annual gas reconciliation with the Commission for the preceding annual period in August of each year, and notify the Commission if the reconciliation component in the purchase gas adjustment changes more often than annually, and WTG shall state the reason for the change, and beginning with its first reconciliation, WTG shall file annually with the Commission its Gas Purchase Report, analyzing its gas purchase practices for the preceding reconciliation period.

**IT IS FURTHER ORDERED THAT** WTG **SHALL** file its LUG Report in August with the annual reconciliation and the Gas Purchase Report.

**IT IS FURTHER ORDERED THAT** within 30 days of this order WTG **SHALL** electronically file tariffs and rates schedules in proper form that accurately reflect the rates approved by the Commission in this Order.

**IT IS FURTHER ORDERED THAT** WTG is authorized to recover through a surcharge charged to ratepayers until recovered, to recover approved actual rate case expenses of \$420,000 at a rate of \$.8669 per Domestic bill and \$1.7338 per

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Non-Domestic Bill.

**IT IS FURTHER ORDERED THAT** all proposed Findings of Fact and Conclusions of Law not specifically adopted herein are **DENIED**.

**SIGNED** this 23<sup>rd</sup> day of November, 2004.

**RAILROAD COMMISSION OF TEXAS**

/s/  
\_\_\_\_\_  
**VICTOR G. CARRILLO**  
**CHAIRMAN**

/s/  
\_\_\_\_\_  
**CHARLES R. MATTHEWS**  
**COMMISSIONER**

/s/  
\_\_\_\_\_  
**MICHAEL L. WILLIAMS**  
**COMMISSIONER**

**ATTEST**

**Kim Williamson**  
\_\_\_\_\_  
**SECRETARY**

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**SECTION 6  
MISCELLANEOUS****STEPHEN L. PITNER, GAS SERVICES DIVISION DIRECTOR****1. OFFICE OF THE DIRECTOR****A. Publications**

1. Texas Utilities Code Titles 3 and 4. Special Rules of Practice and Procedure and Substantive Rules - \$15.00
2. a. Annual Report for Fiscal Year 2002 – Now available via the Commission’s website at:  
<http://www.rrc.state.tx.us/divisions/gs/tablecontents02.html>  
b. Annual Report for Fiscal Year 2001 – available via the Commission’s website at:  
<http://www.rrc.state.tx.us/divisions/gs/tablecontents01.html>  
a. Annual Report for Fiscal Year 2000 - \$17.00 (includes statistical data for 1999)  
b. Annual Report for Fiscal Year 1999 - \$9.00 (includes statistical data for 1998)  
c. Annual Report for Fiscal Year 1998 - \$7.00 (includes statistical data for 1997)
3. Six MCF Monthly Residential Gas Bill Analysis for Twenty-five Texas Cities - \$2.00 – Now available via the Commission’s website at: <http://www.rrc.state.tx.us/divisions/gs/rap/sixmcf.html>

Anyone who wishes to obtain a copy of any of the publications or maps listed in Section A should contact the Central Records Section at 512-463-6887 OR 512-463-6882 P. O. Box 12967, Austin, Texas 78711-2967.

**B. Interest Rate on Customer Deposits**

We have been advised by the Public Utility Commission that the interest rate to be applied to customer deposits in calendar year 2004 is 6.00%. All gas utilities should use this rate.

**2. UTILITY AUDIT SECTION****A. Maintains headquarters and three district offices as follows:**

Headquarters - William B. Travis Building  
1701 North Congress, P. O. Box 12967, Austin, Texas 78701 Telephone (512) 463-7022  
Ed Abrahamson, Director, Utility Audit Section Fax (512) 475-3180  
Shannon Miller, Program Specialist  
Pearl Rodriguez, Program Specialist  
Rachel Hampton, Administrative Assistant

Dallas District- 1546 Rowlett Rd., Suite 107, Garland, Texas 75043 Telephone (972) 240-5757  
Fax (972) 303-1897

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Yolandra Davis, Auditor  
Josh Settle, Auditor

Austin District- P. O. Box 12967, Austin, Texas 78711-2967

Telephone (512) 463-7022  
Fax (512) 475-3180

Stephen Cooper, Senior Auditor

Houston District- 1706 Seamist Drive. Suite 501  
Houston, TX 77008-3135

Telephone (713) 869-8425  
Fax (713) 869-3219

Margie Stoney, Senior Auditor  
Larry Alcorn, Auditor  
Bryan L. Sparkman, Auditor  
Konata Uzoma, Auditor

**B. Gas Utility Tax, Annual Reports and Audit Reports**

Questions relating to gas utility tax, annual reports and audit reports, call Pearl Rodriguez at (512) 463-7022.

**C. Available Information**

Copies of gas utility annual reports (1999 to present), as well as information relating to any of the above, A through C, are available for review at the William B. Travis Building, Gas Services Division, 9th Floor, 1701 North Congress. All requests for copies must be made in writing and should be addressed to the Audit Section. Copies will be provided for a fee, depending on the volume of copy work desired, allow a minimum of five days for completion of requests. Inquiries regarding copies should be directed to the Audit Section at (512) 463-7022, or Fax your request to (512) 475-3180.

**3. MARKET OVERSIGHT**

**A. Maintains the following office to assist you:**

Headquarters - William B. Travis Building  
1701 North Congress, P.O. Box 12967, Austin, Texas 78711  
William O. Geise, Director

Telephone (512) 463-7164

**B. Gas Utilities Information Bulletin**

Published on the Commission's web site at: <http://www.rrc.state.tx.us/divisions/gsap/rapbls.html>.

**C. Proposals For Decision**

Published on the Commission's web site at: <http://www.rrc.state.tx.us/divisions/gsap/pfds.html>.

**D. Tariff Filings**

Questions pertaining to the filing of tariffs and/or quality of service rules should be directed to Kathy Arroyo, Yolanda Lovelace or Marie Blanco at (512) 463-7164.

**E. Curtailments**

Curtailment questions should be referred to (512) 463-7164. Curtailment reports made Monday through Friday, 8:00 a.m. to 5:00 p.m., should be made to (512) 463-7164. Curtailment reports made during hours other than those specified above and holidays, should be made to (512) 463-6788.

**F. Compliance Filings**

Questions regarding gas utilities docket compliance filing requirements should be referred to Mark Brock at (512) 463-7164.

**G. Complaints and Inquiries**

All complaints and inquiries relating to the gas utility industry should be directed to the Market Oversight Section at (512) 463-7164.

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**H. Pending RRC Rules and Regulations:**

GUD No. 9253 New Rule for Relocation Cost Recovery Factor

GUD No. 9275 Amendments to §7.512 NGPA Section 311 Rate Review

GUD No. 9276 Amendments to §7.511 TUC Section 102.054 Sale, Transfer, Merger Reviews

GUD No. 9277 Amendments to §7.305 Curtailment Rule

GUD No. 9449 Amendments to §7.45 Quality of Service

**4. HEARINGS AND LEGAL ANALYSIS****A. Miscellaneous**

Anyone wishing to obtain copies of appendices to Orders appearing in Section 5 of this Bulletin should contact the Legal Division at (512) 463-7017.

**B. Status of Pending Cases**

The status of all pending cases listed in Section 3 of this Bulletin is for informational purposes only and is complete up to the time of printing of this Bulletin. For a more accurate status of pending cases, please call the Legal Division at (512) 463-7017.