

**MINUTES
RAILROAD COMMISSION OF TEXAS
FORMAL COMMISSION ACTIONS**

February 4, 2014

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, February 4, 2014, commencing at 9:33 a.m. Chairman Barry T. Smitherman, Commissioner David Porter and Commissioner Christi Craddick were present.

Chairman Smitherman presided.

HEARINGS DIVISION

GAS SERVICES

1. GUD No. 10309: Application filed by Texas Gas Service Company, a Division of Oneok, Inc.'s 2012 gas reliability infrastructure program rate adjustment for the unincorporated areas of the North Texas service area.

The Commission unanimously approved the examiners' recommendation.

OIL AND GAS

Items #2, #3, and #4 were taken up together:

2. O&G 01-0284945: Application of Pioneer Natural Res. USA, Inc. to construct and operate a hydrogen sulfide gas pipeline, the West 12 Inch Sour Gas Pipeline, Eagleville (Eagle Ford-1) Field, La Salle County, Texas.

The Commission unanimously approved the examiners' recommendation.

3. O&G 01-0285155: Application of Pioneer Natural Res. USA, Inc. to construct and operate a hydrogen sulfide gas pipeline, the East 12 Inch Sour Gas Pipeline, Eagleville (Eagle Ford-1) Field, La Salle County, Texas.

The Commission unanimously approved the examiners' recommendation.

4. O&G 01-0285156: Application of Pioneer Natural Res. USA, Inc. to construct and operate a hydrogen sulfide gas pipeline, the North 16 Inch Sour Gas Pipeline, Eagleville (Eagle Ford-1) Field, La Salle County, Texas.

The Commission unanimously approved the examiners' recommendation.

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5. O&G 01-0280541: Application of Atascosa Disposal Well Svcs., L.L.C. for commercial disposal authority pursuant to 16 TAC §3.9 for the Meeks SWD Lease, Well No. 1, Fashing (Edwards Lime -B-) Field, Atascosa County, Texas.
Chairman Smitherman and Commissioner Craddick approved the examiners' recommendation. Commissioner Porter was opposed.

6. O&G 06-0281696: Application of Sulphur River Exploration, Inc. for unitization and secondary recovery authority for the Frost Waterflood Unit, Frost (Smackover) Field, Cass County, Texas.
The Commission unanimously approved the examiners' recommendation.

Items #7 & #8 were taken up together:

7. O&G 01-0282610: Application of Petrohawk Operating Company to amend field rules for the Eagleville (Eagle Ford-1) Field, Atascosa, Dimmit, Frio, Gonzales, La Salle, McMullen, Wilson and Zavala Counties, Texas.
The Commission passed on this item.

8. O&G 02-0283238: Application of Petrohawk Operating Company to amend field rules for the Eagleville (Eagle Ford-2) Field, De Witt, Karnes, Lavaca and Live Oak Counties, Texas.
The Commission passed on this item.

Items # 9 & #10 were taken up together:

9. O&G 8A-0278263: Application of the George R. Brown Partnership, L.P., to consider surface commingling authority pursuant to 16 TAC §§3.26 and 3.27 for the J.W. Morrison Lease, Well Nos. 3, 4 and 5, Lyn-Kay (6200) Field, Kent County, Texas.
The Commission passed on this item.

10. O&G 8A-0279792: Commission-called hearing to provide the George R. Brown Partnership, L.P., an opportunity to show cause why it is not in breach of surface commingling authority pursuant to 16 TAC §§3.26 and 3.27 for the J.W. Morrison Lease, Well Nos. 3, 4 and 5, Lyn-Kay (6200) Field, Kent County, Texas.
The Commission passed on this item.

11. O&G 02-0275920: Commission-called hearing on the complaint of Plains Exploration & Production Company regarding the Brysch Lease, Well No. 1, Panna Maria (Edwards) Field, Karnes County, Texas.
Chairman Smitherman and Commissioner Craddick approved the examiners' recommendation. Commissioner Porter passed on this item.

12. O&G 20-0284469: In Re: P-5 Organization Report of Petroleum Assets Management Corp. (Operator No. 660285).
The Commission staff asked to pass on this item.

13. O&G 20-0285686: In Re: P-5 Organization Report of Double L Operating (Operator No. 224866).
The Commission staff asked to pass on this item.

14. O&G 20-0285698: In Re: P-5 Organization Report of West Texas Royalties, Inc. (Operator No. 910382).
The Commission asked to pass on this item.

OIL AND GAS CONSENT AGENDA

The Commission unanimously approved the following consent agenda:

15. O&G 8A-0285581: Application of Canan Mowrey Operating, L.L.C. to adopt field rules for the Ace of Spades (Strawn) Field, Hockley County, Texas.
16. O&G 10-0285245: Application of Apache Corporation to amend field rules for the Frye Ranch (Consolidated) Field, Wheeler County, Texas. Order Nunc Pro Tunc.
17. O&G 10-0284787: Application of Forest Oil Corporation to amend the field rules for the Clark Martin (Granite Wash) Field, Roberts County, Texas.
18. O&G 04-0284934: Application of Sandalwood Exploration, L.P., for a new field designation for the Pappy Unit No. 1, Well No. 1, and to adopt field rules for the proposed Papalote, South (Catahoula) Field, San Patricio County, Texas.
19. O&G 03-0285037: Application of Century Exploration Houston, L.L.C. to consolidate various Van Meter Fields and to adopt field rules for the proposed Van Meter (Yegua Cons.) Field, Hardin and Jasper Counties, Texas. Order Nunc Pro Tunc.
20. O&G 04-0285508: Application of Headington Oil Company, L.L.C. to consolidate various Rita Fields and to adopt field rules for the proposed Rita (Consolidated) Field, Kenedy County, Texas.
21. O&G 7B-0284935: Application of Tamarack Petroleum Company, Inc. to consider an MER allowable and increased net gas-oil ratio authority for each well in the Oran (Marble Falls) Field, Palo Pinto County, Texas.
22. O&G 08-0284790: Application of Devon Energy Production Co, L.P. to consider increased net gas-oil ratio authority for its Dorothy Hill Lease, Well No. 2, Pyote, South (6100 Sand) Field, Ward County, Texas.
23. O&G 10-0284788: Application of ConocoPhillips Company to consider a net gas-oil ratio authority for the Hitchland (Morrow, Lower) Field, Hansford County, Texas.
24. O&G 10-0285046: Application of Texakoma E&P, L.L.C. to consider a maximum efficient rate allowable for the Crosby 8 Lease, St. Clair (Granite Wash) Field, Roberts County, Texas.
25. O&G 02-0285585: Application of Venado Oil & Gas, L.L.C. for an exception to 16 TAC §3.32 for the Eight Ball Unit, Well No. 2H, and Faske Birnbaum Lease, Well No. 2HR, Eagleville (Eagleford-2) Field, Lee County, Texas.
26. O&G 05-0283004: Application of Halcon Operating Co. Inc., for an exception to 16 TAC §3.32 for its Johnson Trust A-1H, Aguila Vado (Eagleford) Field, Grimes County, Texas.
27. O&G 20-0285687: In Re: P-5 Organization Report of Fusion XP, Inc. (Operator No. 291668).
28. O&G 20-0285690: In Re: P-5 Organization Report of Kiawah Resources, L.L.C. (Operator No. 458819).

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29. O&G 20-0285695: In Re: P-5 Organization Report of Sunday Corporation (Operator No. 829281).

30. O&G 09-0285727: Application of Silver Creek Oil & Gas, L.L.C. for Railroad Commission recognition of the North Sadler Penn Unit (28749) as an entity for density pursuant to 16 TAC §3.38 in the Sadler (Penn.) (79480 375) Field, Grayson County, Texas.

31. O&G 03-0237274: Final pollution control order relating to agreed groundwater pollution control order, portions of the Hope Quilter -A-, -B-, and -C-, and the C.F. Hoffman Leases, Tomball Field, Harris County, Texas.

MASTER DEFAULT ORDERS

The Commission unanimously approved the following orders:

32. O&G 08-0275652: Enforcement action against Pharaoh Oil & Gas, Inc. (661322) for violation of Statewide Rules on the Belding State -29- (25650) Lease, Well No. 1 and Tank Battery, Belding, E. (Yates) Field, Pecos County, Texas; Violation of 16 TAC §§3.14(b)(2), 3.36(c)(5)(B) and 3.36(d)(1)(M).

33. O&G 7C-0282479: Enforcement action against Pharaoh Oil & Gas, Inc. (661322) for violation of Statewide Rules on the Radford Grocery (01237) Lease, Well Nos. 4, 5, 7 and 15, Rodman-Noel (Grayburg) Field, Upton County, Texas; Violation of 16 TAC §§3.3, 3.8(d)(1) and 3.14(b)(2).

34. O&G 6E-0280740: Enforcement action against TXX Operating, LLC (875372) for violation of Statewide Rules on the First State Bank of Overton (08288) Lease, Well Nos. 4, 6, 10, 12, 14 and 15, East Texas Field, Rusk County, Texas; Violation of 16 TAC §§3.3, 3.14(b)(2) and 3.14(b)(3).

35. O&G 6E-0280729: Enforcement action against TXX Operating, L.L.C. (875372) for violation of Statewide Rules on the 1st St. Bk. of Overton (06944) Lease, Well No. 12, and the Johnson, H. et al. (07881) Lease, Well Nos. 8, 9 and 10, East Texas Field, Rusk County, Texas; Violation of 16 TAC §§3.3, 3.8(d)(1), 3.13(b)(1)(B), 3.14(b)(2) and 3.14(b)(3).

36. Damage Prevention 007623: Enforcement action against J&H Concrete for violation of Commission Rules for Underground Pipeline Damage Prevention at 1131 S. Highway 69 (Park Street), Nederland, Jefferson County, Texas; Violation of 16 TAC §18.11(b).

37. Damage Prevention 007362: Enforcement action against Ballenger Construction Company for violation of Commission Rules for Underground Pipeline Damage Prevention at Old Military Road (Bryan Road), Mission, Hidalgo County, Texas; Violation of 16 TAC §18.11(b).

38. Damage Prevention 013793: Enforcement action against Ballenger Construction Company for violation of Commission Rules for Underground Pipeline Damage Prevention at 1013 S. Bryan Rd. (Trinity), Mission, Hidalgo County, Texas; Violation of 16 TAC §18.11(b).

39. Damage Prevention 018693: Enforcement action against Ballenger Construction Company for violation of Commission Rules for Underground Pipeline Damage Prevention at Bryan Road (US 83), Mission, Hidalgo County, Texas; Violation of 16 TAC §§18.3(e) and 18.11(b).

OFFICE OF GENERAL COUNSEL

AGREED ENFORCEMENT ORDERS

The Commission approved the following agreed enforcement orders with the exception of item # 64. The Commission passed on this item.

40. O&G 01-0285019: BHP Billiton Pet (TXLA OP) (Operator No. 068596) a/k/a Petrohawk Operating Company (Operator No. 660146) enforcement action regarding the Zgabay A - Hansen B Leases, Drilling pad site, Eagleville (Eagle Ford-2) Field, De Witt County, Texas. Violation of 16 TAC §3.8(b).

41. O&G 7B-0283292: Baron Energy, Inc. (Operator No. 052969) enforcement action regarding the Shaffer, W.S. (07300) Lease, Well No. 7, S. & D. (Flippen Sand) Field, Taylor County, Texas. Violation of 16 TAC §3.14(b)(2).

42. O&G 7C-0283533: Jasper Energy, Incorporated, (Operator No. 430253) enforcement action regarding the Lee (17091) Lease, Well No. 1, Wildcat Field, Concho County, Texas. Violation of 16 TAC §3.14(b)(2).

43. O&G 04-0280589: Superior Crude Gathering, Inc. (Operator No. 830262) enforcement action regarding the Falcon Refinery, San Patricio County, Texas. Violation of 16 TAC §§3.8(d)(1) and 3.20(a)(1).

44. O&G 7B-0276054: Skybridge Energy, L.L.C. (Operator No. 786419) enforcement action regarding the Brannon Lease, Well No. 2 (RRC No. 083614) Deaton (Conglomerate) Field, Palo Pinto County, Texas. Violation of 16 TAC §§3.2 and 3.14(b)(2).

45. O&G 7B-0277539: Harvick, George R., Sole Proprietor (Operator No. 364200) enforcement action regarding the Hill, Mabel (10315) Lease, Well No. 1, Rickels, N. (Miss.) Field, Stephens County, Texas. Violation of 16 TAC §§3.8(d)(1) and 3.14(b)(2).

46. O&G 08-0284033: Energen Resources Corporation (Operator No. 252002) enforcement action regarding the Fryar 37 Lease, Well No. 2 (P753695), Spraberry (Trend Area) Field, Howard County, Texas. Violation of 16 TAC §§3.8(d)(1) and 3.8(d)(2).

47. O&G 08-0284034: Energen Resources Corporation (Operator No. 252002) enforcement action regarding the Brennand "A" Lease, Well No. 9 (P754863), Turner-Gregory (Clear Fork) Field, Mitchell County, Texas. Violation of 16 TAC §§3.8(d)(1) and 3.8(d)(2).

48. O&G 08-0284177: Energen Resources Corporation (Operator No. 252002) enforcement action regarding the Rainbow State 33-70 (42303) Lease, Well No. 1, Two Georges (Bone Spring) Field, Loving County, Texas. Violation of 16 TAC §§3.8(d)(1) and 3.8(d)(2).

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49. O&G 08-0284188: Energen Resources Corporation (Operator No. 252002) enforcement action regarding the Salisbury 33-71 Lease, Well No. 1 (P728452), Two Georges (Bone Spring) Field, Loving County, Texas, and on the Hognose 1-67 SWD Lease, Well No. 1 (P750714), Vermejo (Delaware) Field, Loving County, Texas. Violation of 16 TAC §§3.8(d)(1) and 3.8(d)(2).
50. O&G 09-0284719: Slate Holdings, Inc. (Operator No. 787112) enforcement action regarding the Walker Smith (27770) Lease, Well No. 20, King, North (1600 Sand) Field, Wilbarger County, Texas. Violation of 16 TAC §3.73(I).
51. O&G 10-0284408: Ananda Energy, Inc. (Operator No. 020573) enforcement action regarding the Ware, R.C. (00078) Lease, Panhandle Carson County Field, Carson County, Texas. Violation of Tex. Nat. Res. Code §91.143.
52. O&G 10-0284929: Ananda Energy, Inc. (Operator No. 020573) enforcement action regarding the Ware, R.C. (00078) Lease, Panhandle Carson County Field, Carson County, Texas. Violation of Tex. Nat. Res. Code §91.143.
53. Damage Prevention 007344: Drakes Handy Man Service enforcement action for violation of 16 TAC §§18.3(a) and 18.11(b), at 3011 Summerfield Ridge Court, (Summerfield Ridge Dr.) Sugar Land, Waller County, Texas.
54. Damage Prevention 008202: Naches Company Construction enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 1002 Adam St. (Adams Ln. at Noonday Rd.), Chandler, Henderson County, Texas.
55. Damage Prevention 008621: LTB Construction, Inc. enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 5900 Flynn (Callaghan), San Antonio, Bexar County, Texas.
56. Damage Prevention 009228: Onda Lay Pipe enforcement action for violation of 16 TAC §18.11(b), at CR 121 (Hwy. 349), Rankin, Upton County, Texas.
57. Damage Prevention 011136: Onda Lay Pipe enforcement action for violation of 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at CR 332 (CR 309), Seminole, Gaines County, Texas.
58. Damage Prevention 014273: Verizon, Plano enforcement action for violation of 16 TAC §§18.11(b), 18.11(b) and 18.10(b), at 3836 Elgin Dr., Plano, Collin County, Texas.
59. Damage Prevention 022179: Onda Lay Pipe enforcement action for violation of 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at CR 4000 & FM 3263 N., Unknown, Martin County, Texas.
60. Damage Prevention 022694: Onda Lay Pipe enforcement action for violation of 16 TAC §§18.10(b), 18.11(b) and 18.11(b), at CR 190, Midland, Midland County, Texas.
61. Damage Prevention 022882: Terrell Tree Service enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 3303 Pelican, Orange, Orange County, Texas.

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62. Damage Prevention 024320: Metro City Construction enforcement action for violation of 16 TAC §§18.10(b) and 18.11(b), at 4808 Country Club Dr., Dickinson, Galveston County, Texas.
63. Damage Prevention 025017: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 4513 Cedar Hill (Keith), Houston, Harris County, Texas.
64. Damage Prevention 025796: Clopton Plumbing enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 811 Hale (5th St.), Lexington, Lee County, Texas.
The Commission passed on this item.
65. Damage Prevention 025908: Texas Fence Co. enforcement action for violation of 16 TAC §18.11(b), at 711 Enchanted Trail Dr., Spring, Harris County, Texas.
66. Damage Prevention 026568: Atmos Energy, West Texas Division enforcement action for violation of 16 TAC §18.8(a), at 1710 Elkins Rd. (E. CR 81), Midland, Midland County, Texas.
67. Damage Prevention 027075: Gill Excavating Co., Inc. enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 2015 Greenville Ave. (Bell St.), Dallas, Dallas County, Texas.
68. Damage Prevention 027109: DNT Construction enforcement action for violation of 16 TAC §§18.11(b) and 18.11(b), at 12445 Bandera Rd. (Leslie), Helotes, Bexar County, Texas.
69. Damage Prevention 027135: Price Barton enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 10885 Exhibition Rd. (Airport Rd.), Canadian, Hemphill County, Texas.
70. Damage Prevention 027166: City of De Soto (Water Dept.) enforcement action for violation of 16 TAC §18.11(b), at 1325 Marilyn Ave. (S. Beckly Ave.), De Soto, Dallas County, Texas.
71. Damage Prevention 027284: Grey Forest Utilities enforcement action for violation of 16 TAC §18.8(a), at 5986 Woodridge Cove (Alley Way) (Woodridge Cove & Sunset Crest), San Antonio, Bexar County, Texas.
72. Damage Prevention 027314: Kimzey Construction enforcement action for violation of 16 TAC §§18.11(b) and 18.11(b), at Stacy Rd. & Bountiful Grove (Bountiful Grove), McKinney, Collin County, Texas.
73. Damage Prevention 027493: De La Garza Fence and Supply Co. enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 900 S. San Eduardo (Wallace), San Antonio, Bexar County, Texas.
74. Damage Prevention 027650: Atmos Energy, West Texas Division enforcement action for violation of 16 TAC §18.8(a), at 1323 N.W. McMasters (NW 14th), Amarillo, Potter County, Texas.
75. Damage Prevention 027685: Michael Nash enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at Hwy. 134 & Hwy. 2208, Jefferson, Marion County, Texas.

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76. Damage Prevention 027700: Jet Underground Utilities, Inc. enforcement action for violation of 16 TAC §18.10(b), at 3240 Schieffer (E. Devitt St.), Fort Worth, Tarrant County, Texas.
77. Damage Prevention 027716: Atmos Energy, West Texas Division enforcement action for violation of 16 TAC §18.8(a), at 216 E. Olive, Odessa, Ector County, Texas.
78. Damage Prevention 027719: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at Mann Rd., Conroe, Montgomery County, Texas.
79. Damage Prevention 027725: Regal Pools enforcement action for violation of 16 TAC §§18.3(e) 18.11(b) and 18.11(b), at 11 S. Sage Sparrow Cir., The Woodlands, Montgomery County, Texas.
80. Damage Prevention 027742: City of Lubbock enforcement action for violation of 16 TAC §18.10(b), at 1301 31st (Ave. M), Lubbock, Lubbock County, Texas.
81. Damage Prevention 027752: City of Waco enforcement action for violation of 16 TAC §18.11(b), at 3013 Live Oak, Waco, McLennan County, Texas.
82. Damage Prevention 027756: City of Angleton enforcement action for violation of 16 TAC §18.4(b), at 220 N. Parrish St., Angleton, Brazoria County, Texas.
83. Damage Prevention 027762: North Texas Contracting, Inc. enforcement action for violation of 16 TAC §18.11(b), at 200 N. Central Expy. (Greer St.), Richardson, Dallas County, Texas.
84. Damage Prevention 027771: Treeland enforcement action for violation of 16 TAC §§18.3(a) 18.11(b) and 18.11(b), at 5437 Chinkapin Ln. (Blue Jack Trl.), Fort Worth, Tarrant County, Texas.
85. Damage Prevention 027778: City of Sulphur Springs enforcement action for violation of 16 TAC §18.10(b), at 1513 Brandy Cir. (Benjamin St.), Sulphur Springs, Hopkins County, Texas.
86. Damage Prevention 027786: Integrated Roadway Services enforcement action for violation of 16 TAC §§18.10(b), 18.11(b) and 18.3(a), at 7200 Stonebrook Pkwy. (Parkwood), Frisco, Collin County, Texas.
87. Damage Prevention 027794: Cy-Tex Services enforcement action for violation of 16 TAC §18.11(b), at 34045 Sunfall Trail Ln., Montgomery, Montgomery County, Texas.
88. Damage Prevention 027800: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 13214 West Little York Rd. (Eldridge Pkwy. N.), Houston, Harris County, Texas.
89. Damage Prevention 027805: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 12803 Westmere Dr., Houston, Harris County, Texas.

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90. Damage Prevention 027807: Sherrill Construction enforcement action for violation of 16 TAC §18.11(b), at 302 S. FM 44 (Roberts St.), Annona, Red River County, Texas.
91. Damage Prevention 027811: City of Ft. Worth Water Dept. enforcement action for violation of 16 TAC §18.10(b), at 2317 Grayson, Fort Worth, Tarrant County, Texas.
92. Damage Prevention 027814: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at Avondale & N. Ben Jordan St., Victoria, Victoria County, Texas.
93. Damage Prevention 027816: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 17973 Asphodel Ln., Unknown, Harris County, Texas.
94. Damage Prevention 027817: Hays Utility South Corporation enforcement action for violation of 16 TAC §18.11(b), at 17973 Asphodel Ln., Unknown, Harris County, Texas.
95. Damage Prevention 027828: Greenlight Gas enforcement action for violation of 16 TAC §18.8(a), at 3rd & Montgomery, Memphis, Hall County, Texas.
96. Damage Prevention 027832: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 12102 5th St. (G St.), Houston, Harris County, Texas.
97. Damage Prevention 027842: West Texas Gas, Inc. enforcement action for violation of 16 TAC §18.8(a), at 423 Cheyenne (5th St.), Canadian, Hemphill County, Texas.
98. Damage Prevention 027848: Lowe's Construction enforcement action for violation of 16 TAC §§18.11(b) and 18.11(b), at 7020 Nueces Dr. (Frio St.), Irving, Dallas County, Texas.
99. Damage Prevention 027850: Chalet Construction enforcement action for violation of 16 TAC §§18.3(a) 18.11(b) and 18.11(b), at 8303 Waynemer Way, Houston, Harris County, Texas.
100. Damage Prevention 027871: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 8915 Arbor Wood Dr., Houston, Harris County, Texas.
101. Damage Prevention 027876: Engel Enterprises, L.L.C. enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 1642 Wild Peak (Midnight Peak), San Antonio, Bexar County, Texas.
102. Damage Prevention 027879: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 2001 W. Ferguson Rd. (I-30), Mount Pleasant, Titus County, Texas.
103. Damage Prevention 027887: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 3902 W. Little York Rd., Houston, Harris County, Texas.
104. Damage Prevention 027889: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 12418 Honeywood Trl., Houston, Harris County, Texas.
105. Damage Prevention 027894: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 8815 Enchanted Forest Dr., Houston, Harris County, Texas.

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106. Damage Prevention 027898: Atmos Energy, West Texas Division enforcement action for violation of 16 TAC §18.8(a), at S.E. 7th (Carlsbad), Seminole, Gaines County, Texas.
107. Damage Prevention 027900: Merrifield Enterprises enforcement action for violation of 16 TAC §§18.10(b) and 18.11(b), at 1200 CR Y (CR 115), Plainview, Hale County, Texas.
108. Damage Prevention 027901: Walker Engineering, Inc. enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 727 S. Cravens Rd., Missouri City, Fort Bend County, Texas.
109. Damage Prevention 027909: City of Lewisville enforcement action for violation of 16 TAC §18.3(a), at 1504 Barbara Dr. (S. Garden Ridge Blvd.), Lewisville, Denton County, Texas.
110. Damage Prevention 027915: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(b), at 1504 W. Broadway St. (Industrial Blvd.), Clarksville, Red River County, Texas.
111. Damage Prevention 027922: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(b), at 1419 Richey St. (Southmore), Pasadena, Harris County, Texas.
112. Damage Prevention 027927: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(a), at 1803 S. Santa Fe (US 67 Overpass), Santa Anna, Coleman County, Texas.
113. Damage Prevention 027930: Randy Glenn Landscaping enforcement action for violation of 16 TAC §§18.4(b), 18.11(b) and 18.11(b), at 5550 S. Clack (Covenant), Abilene, Taylor County, Texas.
114. Damage Prevention 027934: ARO, Inc. enforcement action for violation of 16 TAC §§18.3(a) and 18.11(b), at 6650 Redberry Glen Dr. (Sweet Birch Ln.), Houston, Harris County, Texas.
115. Damage Prevention 027935: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 915 FM 1272, Grapeland, Houston County, Texas.
116. Damage Prevention 027938: Atmos Energy, West Texas Division enforcement action for violation of 16 TAC §18.8(a), at 815 Portland (9th), Plainview, Hale County, Texas.
117. Damage Prevention 027940: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at Wilson & Galveston St., Beaumont, Jefferson County, Texas.
118. Damage Prevention 027944: Accent Landscaping enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 999 Non Premise (Paseo Del Norte), El Paso, El Paso County, Texas.
119. Damage Prevention 027945: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 905 Laurelfeld Dr., Friendswood, Galveston County, Texas.
120. Damage Prevention 027947: City of Skellytown enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 109 1st St. (Elm), Unknown, Carson County, Texas.

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121. Damage Prevention 027954: Landscape of Lubbock enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 4805 S. Loop 289, Ste. 500, Lubbock, Lubbock County, Texas.
122. Damage Prevention 027956: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(a), at 2100 Hwy. 21 West, Bryan, Brazos County, Texas.
123. Damage Prevention 027958: Williams Olefins Feedstk Pl., L.L.C. enforcement action for violation of 16 TAC §18.8(a), at East St., Deer Park, Harris County, Texas.
124. Damage Prevention 027959: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(b), at 701 E. 3rd, Corsicana, Navarro County, Texas.
125. Damage Prevention 027964: Durable Specialties, Inc. enforcement action for violation of 16 TAC §18.10(b), at McCreary (Betsy Ln.), Wylie, Collin County, Texas.
126. Damage Prevention 027969: Garland Power & Light enforcement action for violation of 16 TAC §§18.10(b) and 18.11(b), at 1318 Shearwater, Dallas, Dallas County, Texas.
127. Damage Prevention 027976: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 3803 Brinkman (Wakefield), Houston, Harris County, Texas.
128. Damage Prevention 027977: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(a), at Bishops Flower Rd. (Wintergrass Ln.), Fort Worth, Tarrant County, Texas.
129. Damage Prevention 027987: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(a), at 317 E. Cash (S. Bond), Iowa Park, Wichita County, Texas.
130. Damage Prevention 027989: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 22656 Hwy. 59 N. (Sorters), Kingwood, Harris County, Texas.
131. Damage Prevention 028002: RBIS, L.L.C. enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 4159 Fern Lake Cutoff, Marshall, Harrison County, Texas.
132. Damage Prevention 028004: Abacus Plumbing & Air Conditioning enforcement action for violation of 16 TAC §18.11(b), at 15700 Lakedale Dr., Houston, Harris County, Texas.
133. Damage Prevention 028005: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 15700 Lakedale Dr., Houston, Harris County, Texas.
134. Damage Prevention 028007: Lasiter Plumbing enforcement action for violation of 16 TAC §18.3(a), at 8703 Dayton Dr. (Leland), Copper Canyon, Denton County, Texas.
135. Damage Prevention 028014: Whitaker Plumbing Inc. enforcement action for violation of 16 TAC §18.11(b), at 900 Banks (Lennox), Carthage, Panola County, Texas.

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136. Damage Prevention 028016: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(b), at 2230 E. Main St., Grand Prairie, Dallas County, Texas.
137. Damage Prevention 028018: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 181 Civic Ctr., Center, Shelby County, Texas.
138. Damage Prevention 028023: RBIS, L.L.C. enforcement action for violation of 16 TAC §§18.10(b) and 18.11(b), at 100 Blk. FM 1793, Marshall, Harrison County, Texas.
139. Damage Prevention 028024: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(b), at 1407 E. U.S. Hwy. 190, Copperas Cove, Bell County, Texas.
140. Damage Prevention 028025: Texas A&M University - Commerce enforcement action for violation of 16 TAC §§18.3(a) and 18.11(b), at 2310 W. Neal St. (Cooper St.), Commerce, Hunt County, Texas.
141. Damage Prevention 028026: City of Sanger enforcement action for violation of 16 TAC §18.10(b), at 317 N. 9th St. (Elm), Sanger, Denton County, Texas.
142. Damage Prevention 028027: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(b), at 4702 San Francisco, Laredo, Webb County, Texas.
143. Damage Prevention 028030: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(a), at 1221 Buckner (Buckner at Trader Village Plaza), Dallas, Dallas County, Texas.
144. Damage Prevention 028038: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(b), at 209 E. Hanson (Bonham), Cleveland, Liberty County, Texas.
145. Damage Prevention 028049: Centerpoint Energy Entex enforcement action for violation of 16 TAC §18.8(a), at 417 N. Comanche St., San Marcos, Hays County, Texas.
146. Damage Prevention 028056: Heath Consultants enforcement action for violation of 16 TAC §§18.11(b) and 18.11(b), at 1419 S. Broadway St. (McCann St.), Sulphur Springs, Hopkins County, Texas.
147. Damage Prevention 028061: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(a), at 1404 Forest (Garland Ave.), Garland, Dallas County, Texas.
148. Damage Prevention 028062: City of Garland enforcement action for violation of 16 TAC §18.11(b), at 1404 Forest (Garland Ave.), Garland, Dallas County, Texas.
149. Damage Prevention 028064: Jay Howard's Backhoe, Ditching and Septic Service enforcement action for violation of 16 TAC §18.11(b), at 2000 Monroe, Amarillo, Potter County, Texas.
150. Damage Prevention 028073: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(b), at 3737 Cole (Blackburn), Dallas, Dallas County, Texas.

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151. Damage Prevention 028075: ABC Awning enforcement action for violation of 16 TAC §§18.10(b) and 18.11(b), at 4703 Kilkenny Dr., Houston, Harris County, Texas.

152. Damage Prevention 028076: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(b), at 3334 Mayfair Ln. (Chaucer), Highland Village, Denton County, Texas.

153. Damage Prevention 028078: Triple B Services, L.L.P. enforcement action for violation of 16 TAC §18.11(b), at 1200 Pine Chase Dr., Houston, Harris County, Texas.

154. Damage Prevention 028079: Pro Electrical Services enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 14100 Karissa Ct., Houston, Harris County, Texas.

155. Damage Prevention 028083: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(a), at 6605 B Escondido St. (Cero Blvd.), Irving, Dallas County, Texas.

156. Damage Prevention 028086: Excel 4 Construction enforcement action for violation of 16 TAC §§18.10(b) and 18.11(b), at 1502 Houston (15th & Houston St.), Grand Prairie, Dallas County, Texas.

157. Damage Prevention 028087: W. Wing, Inc. enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 3702 US Hwy. 83, Laredo, Webb County, Texas.

158. Damage Prevention 028106: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(a), at 351 S. Fleming (Clarendon), Dallas, Dallas County, Texas.

159. Damage Prevention 028107: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(a), at 1230 St. Augustine (Lake June), Dallas, Dallas County, Texas.

160. Damage Prevention 028118: SKE Construction enforcement action for violation of 16 TAC §18.4(a), at 3706 Allenbrook Dr. (Meadowbrook Dr.), Baytown, Harris County, Texas.

161. Damage Prevention 028134: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(a), at 5300 Wedgmont Cir. N. (Wheaton Cir.), Fort Worth, Tarrant County, Texas.

162. Damage Prevention 028136: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(a), at 3010 S. Hulen St. (Glenwood Dr.), Fort Worth, Tarrant County, Texas.

163. Damage Prevention 028139: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(a), at 311 N. Reynolds, Throckmorton, Throckmorton County, Texas.

164. Damage Prevention 028141: Greenlight Gas enforcement action for violation of 16 TAC §18.8(a), at 101 Haskell, Wellington, Collingsworth County, Texas.

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165. Damage Prevention 028143: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(a), at S. 12th at Ave. E, Haskell, Haskell County, Texas.
166. Damage Prevention 028163: Atmos Energy Corp., Mid-Tex Div. enforcement action for violation of 16 TAC §18.8(b), at Riseden & Hillcrest, Dallas, Collin County, Texas.
167. Damage Prevention 028165: Capps-Capco Construction, Inc. enforcement action for violation of 16 TAC §18.11(b), at 912 Dobbins Rd. (Northwood Blvd.), Corsicana, Navarro County, Texas.
168. Damage Prevention 028168: Big Tex Nursery enforcement action for violation of 16 TAC §§18.3(a), 18.11(b) and 18.11(b), at 21819 Prairie Spring Ln., Spring, Harris County, Texas.
169. Damage Prevention 028170: City of Falfurrias Utility Board enforcement action for violation of 16 TAC §18.8(a), at Taylor (Bus. 281 & Taylor Rd.), Falfurrias, Brooks County, Texas.
170. Damage Prevention 028173: Ernie's Plumbing Service, Inc. enforcement action for violation of 16 TAC §§18.11(b) and 18.11(b), at 2505 Glassboro (Ashbury), Arlington, Tarrant County, Texas.
171. Damage Prevention 028186: City of Palestine enforcement action for violation of 16 TAC §18.10(b), at 1307 Tennessee (Brooklyn), Palestine, Anderson County, Texas.
172. Damage Prevention 028204: City of Quitman enforcement action for violation of 16 TAC §§18.11(b) and 18.11(b), at 708 S. Main St. (Richard), Quitman, Wood County, Texas.
173. Damage Prevention 028215: DCG Construction enforcement action for violation of 16 TAC §§18.10(b) and 18.11(b), at 2001 Kirkwood (N. Kimball), Southlake, Tarrant County, Texas.
174. Damage Prevention 028216: Crostex Construction, Inc. enforcement action for violation of 16 TAC §18.11(b), at 100 Blk. Baker Cir., Ames, Liberty County, Texas.
175. Damage Prevention 028217: Gulf States Plumbing & Mechanical, Inc. enforcement action for violation of 16 TAC §§18.3(e), 18.11(b) and 18.11(b), at 2350 S.E. Green Oaks Blvd. (Hwy. 360), Arlington, Tarrant County, Texas.
176. Damage Prevention 028220: Allied Fence Company enforcement action for violation of 16 TAC §18.4(b), at 7801 Shoal Creek Blvd. (Foster Ln.), Austin, Travis County, Texas.
177. Damage Prevention 028234: Housley Communications, Inc. enforcement action for violation of 16 TAC §§18.3(e) and 18.11(b), at 5410 Bee Cave Rd. (Redbud Trl.), Austin, Travis County, Texas.
178. Damage Prevention 028270: City of Corpus Christi Water Department enforcement action for violation of 16 TAC §18.11(b), at 609 N. Omaha (Baldwin), Corpus Christi, Nueces County, Texas.

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179. Damage Prevention 028292: Watts Underground enforcement action for violation of 16 TAC §18.11(b), at 2539 Honeysuckle Walk, Spring, Harris County, Texas.

180. Damage Prevention 028298: City of Corpus Christi enforcement action for violation of 16 TAC §18.11(b), at 2909 South Port Ave. (Nimitz), Corpus Christi, Nueces County, Texas.

181. Damage Prevention 028302: City of Castroville enforcement action for violation of 16 TAC §18.11(b), at 123 Country Ln. (Summer Breeze), Castroville, Medina County, Texas.

182. Damage Prevention 028338: TCO Field Service, Inc. enforcement action for violation of 16 TAC §18.10(b), at FM 846 & CR 11, Big Spring, Howard County, Texas.

RULES

ADOPTION

183. New 16 Tex. Admin. Code §9.116, relating to Container Corrosion Protection System; LP-Gas Docket No. 02482.

The Commission unanimously approved staff's recommendation.

184. Amendment of 16 Tex. Admin. Code Chapter 12, relating to Coal Mining Regulations; SMRD Docket No. 2-13.

The Commission unanimously approved staff's recommendation.

ADMINISTRATIVE MATTERS

EXECUTIVE OFFICE

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

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

186. Issues related to the management and operation of the agency.

The Commission received an update from Executive Director Milton Rister, Deputy Executive Director Araminta Everton and Deputy Director Field Operations Oil & Gas Division Ramon Fernandez.

187. Approval of the independent verification and validation contract recommendation for the Information Technology Modernization Program.

The commission received an update from Information Technology Director Brandon Harris (CIO/IRM).

OIL AND GAS DIVISION

188. Proposed adoption of Form GW-1, Groundwater Protection Determination Request Form (to replace transition Form 0051P), and Form GW-2, Groundwater Protection Determination (formerly surface casing letter).

The Commission received an update from the Commissions General Counsel Lindil Fowler.

COMMISSIONERS

Chairman Smitherman

189. Pending and/or contemplated litigation, rulemakings, and other actions initiated by or involving the U.S. Environmental Protection Agency, U.S. Department of Interior, U.S. Department of Transportation, and other federal agencies that may impact the State of Texas, including, but not limited to, the energy, pipeline, and natural resource industries.

EXECUTIVE SESSION

190. The Commission may enter into closed Executive Session for discussion and consideration of items posted on this agenda notice which involve: (a) pending or contemplated litigation matters or settlement offers requiring consultation with or advice from the Commission's attorney, pursuant to Texas Government Code §551.071(1); (b) a matter in which the duty of the Commission's attorney to the Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code, pursuant to Texas Government Code §551.071(2); (c) a negotiated contract for a prospective gift or donation to the State or to the Commission, pursuant to Texas Government Code §551.073; (d) personnel matters, including the appointment, employment, or dismissal of a public officer or employee, pursuant to Texas Government Code §551.074; (e) security matters related to the deployment of, or specific occasions for the implementation of, security personnel or devices, pursuant to Texas Government Code §551.076; or (f) other matters as permitted pursuant to Chapter 551 of the Texas Government Code. The Commission will reconvene following Executive Session for discussion of items considered in closed session and to take any final actions or vote on such matters in accordance with Texas Government Code §551.102.

PUBLIC INPUT

191. The Commission will provide an opportunity for general public input on any matter under the jurisdiction of the Commission, in accordance with the policy adopted on September 7, 2005.

The conference was adjourned at 11:07 a.m.