

VICTOR G. CARRILLO, CHAIRMAN  
ELIZABETH A. JONES, COMMISSIONER  
MICHAEL L. WILLIAMS, COMMISSIONER

**RAILROAD COMMISSION OF TEXAS  
FORMAL COMMISSION ACTIONS  
JULY 21, 2009**

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 July 21, 2009, commencing at 9:30 a.m. Chairman Victor G. Carrillo, Commissioner Elizabeth A. Jones and Commissioner Michael L. Williams were present. Chairman Carrillo presided.

**OFFICE OF GENERAL COUNSEL-HEARINGS SECTION**

**GAS SERVICES PROTESTED**

1. GUD No. 9869 (consolidated): Petition for de novo review of the denial of the Statement of Intent filed by Atmos Energy Corp., Mid-Tex Division by the City of Dallas; Statement of Intent filed by Atmos Energy Corp., Mid-Tex Division, to increase gas utility rates in the unincorporated areas served by the Mid-Tex Division. This item was unanimously approved.

**GAS SERVICES UNPROTESTED**

2. GUD No. 9872 (and consolidated cases): Application for cost of service adjustment filed by CenterPoint Energy Entex to increase the rates in the unincorporated areas of the Texas Coast Division. The Commission unanimously approved the application.

3. GUD No. 9876: Application of Atmos Energy, West Texas Division, for Test Year 2008 annual interim rate adjustment for the unincorporated areas of the Lubbock Rate Division. The Commission unanimously approved the application.

**OIL AND GAS PROTESTED**

4. O&G 09-0260202: XTO Energy Inc. pursuant to the Mineral Interest Pooling Act for creation of a pooled unit for its Texas Steel Unit, Well No. 1, Newark, East (Barnett Shale) Field, Tarrant County, Texas. Chairman Carrillo and Commissioner Jones remanded the case for the limited purpose of obtaining additional information. Commissioner Williamson recused himself.

**MOTION FOR REHEARING**

5. O&G 09-0259654: EOG Resources, Inc. to dispose of oil and gas waste by injection into a porous formation not productive of oil or gas, Erath County Swd Lease, Well No. 1, Newark, East (Barnett Shale) Field, Erath County, Texas. The Commission denied the motion for rehearing.

**AGREED ENFORCEMENT ORDERS**

The Commission unanimously approved the following agreed orders:

6. O&G 06-0260881: Conquest Energy, Inc. enforcement action regarding Osborne Estate (189480) Lease, Well No. 1, Pinehill (Travis Peak -C-) (71590669) Field, Panola County, Texas. Violation of Rule 14(b)(2) and (3).

7. O&G 09-0259683: XTO Energy Inc., enforcement action regarding Harper Cattle Lse. Well No. 12AH (0616457) Permit, Newark, East (Barnett Shale) (65280200) Field, Johnson County, Texas. Violation of Rule 16(b).

8. O&G 02-0261988: Mission River Systems, Inc. enforcement action regarding Niemann, Emil (08943) Lease, Well No. 10, Bonnie View (5400) (10495801) Field, Refugio County, Texas. Violation of Rule 14(b)(2) and (3).

9. O&G 05-0260808: Texas M.O.R., Inc. enforcement action regarding Corsican Industrial "A" (02465) Lease, Well No. 4, Cif "C" (02534) Lease, Well No. 5, Corsicana (Shallow) (20823500) Field, Navarro County, Texas. Violation of Rules 14(b)(2); 46(j).

10. O&G 02-0261987: Great Bay Operations, LLC enforcement action regarding Marberry (104039) Lease, Well No.5, McFaddin (5175) (59371707) Field, Refugio County, Texas. Violation of Rule 14(b)(2) and (3).

11. LP-Gas Docket No. 2062: Sharp Butane Co., Inc. enforcement action for violation of LP-Gas Safety Rule (9.135, at E.O. Sharp Butane Co., Inc., Lake Travis ISD (H.S.), 3322 RR 620 South, Austin, Travis County, Texas.

12. LP-Gas Docket No. 2066: Tucker Oil Co., Inc. enforcement action for violation of LP-Gas Safety Rule (9.135, at Tucker Oil Co., Inc., Lakeside Grocery, 6510 FM 835, Lubbock, Lubbock County, Texas.

13. Damage Prevention Docket No. 002429: City of Fort Worth Water Dept. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 6750 Mandy (Loop 820 Service Road), Fort Worth, Tarrant County, Texas.

14. Damage Prevention Docket No. 003938: Infrastructure Nservices Inc. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 9400 Kirby, Houston, Harris County, Texas.

15. Damage Prevention Docket No. 004002: Creative Scape Design enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 1814 Concho River Ct., Sugar Land, Fort Bend County, Texas.

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16. Damage Prevention Docket No. 004186: Perma-Pier enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 4851 Jamesway Ct., Fort Worth, Tarrant County, Texas.

17. Damage Prevention Docket No. 004227: Southwest Texas Munic Gas Corp. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 905 North 11 Street (West Uvalde), Alpine/North 11 Street, Brewster County, Texas.

18. Damage Prevention Docket No. 004395: Harris County, Precinct 3 enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 6400 Bissonnet Street (Bayland Park Drive), Houston, Harris County, Texas.

19. Damage Prevention Docket No. 004481: Southwest Texas Munic Gas Corp. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at East Avenue H (Lackey Street), Alpine, Brewster County, Texas.

20. Damage Prevention Docket No. 004499: Southwest Texas Munic Gas Corp. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1401 East Avenue H (South Jackson), Alpine, Brewster County, Texas.

21. Damage Prevention Docket No. 004515: City of Houston enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(e) and 18.11(b), at 2300 Ann Street, Houston, Harris County, Texas.

22. Damage Prevention Docket No. 004525: De Los Santos Contracting, Inc. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.3(a), 18.11(b), and 18.11(b), at 518 Reenie Way (Rio Springs), San Antonio, Bexar County, Texas.

23. Damage Prevention Docket No. 004534: Southwest Texas Munic Gas Corp. enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at Marfa Street (Fightin Buck Avenue), Alpine, Brewster County, Texas.

24. Damage Prevention Docket No. 004537: Sammons Construction Co., Inc. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.4(b) and 18.11(b), at 2609 Coral Haven Ct., Houston, Harris County, Texas.

25. Damage Prevention Docket No. 004557: A 1 Fencing and Decks enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 23323 Whitaker Way, Harris County, Texas.

26. Damage Prevention Docket No. 004559: Circle C Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.4(b), at 2008 Avenue E., Fort Worth, Tarrant County, Texas.

27. Damage Prevention Docket No. 004561: CenterPoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at Chase Street (Springview), Beaumont, Jefferson County, Texas.

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28. Damage Prevention Docket No. 004562: T & D Solutions enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 6563 R F D Road, Beaumont, Jefferson County, Texas.

29. Damage Prevention Docket No. 004564: Terry Black Construction enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 1144 FM 1848, Buffalo, Leon County, Texas.

30. Damage Prevention Docket No. 004567: City of Arlington enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 903 Wabash Ct., Arlington, Tarrant County, Texas.

31. Damage Prevention Docket No. 004568: Rawlinson Electrical enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 5464 Northbrook, Dallas, Dallas County, Texas.

32. Damage Prevention Docket No. 004571: Saeco Electric & Utility LTD enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 0 Blanco (Huebner), San Antonio, Bexar County, Texas.

33. Damage Prevention Docket No. 004572: CenterPoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(b), at 13722 Bandera (Ironwood Blvd,) Houston, Harris County, Texas.

34. Damage Prevention Docket No. 004574: City of Krum enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 204 South Third Street, Krum, Denton County, Texas.

35. Damage Prevention Docket No. 004575: DCP Midstream, LP enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at FM 181 and FM 2371, Andrews, Andrews County, Texas.

36. Damage Prevention Docket No. 004579: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(a), 7530 Beddoes (Moyse), Olmito, Cameron County, Texas.

37. Damage Prevention Docket No. 004583: Pedro SS Service Inc. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.10(b) and 18.11(b), at 307 West 4th Street, Elgin, Bastrop County, Texas.

38. Damage Prevention Docket No. 004586: Satellite Cable Construction enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 1109 Riverwalk Ct., Colleyville, Tarrant County, Texas.

39. Damage Prevention Docket No. 004599: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.8(a) and 18.11(a), at 2300 Coffeeport (Paredes Lane), Brownsville, Cameron County, Texas.

40. Damage Prevention Docket No. 004600: Merge RDZ, LLC enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 2300 Coffeeport (Paredes Lane), Brownsville, Cameron County, Texas.

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41. Damage Prevention Docket No. 004604: Aleman Construction enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 4900 Forest Hill Drive (Lusk), Flower Mound, Denton County, Texas.

42. Damage Prevention Docket No. 004607: Turnkey Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 401 Hwy 377, Granbury, Hood County, Texas.

43. Damage Prevention Docket No. 004616: BTU Utilities enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 4005 Sunny Meadowbrook, College Station, Brazos County, Texas.

44. Damage Prevention Docket No. 004617: CenterPoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 8711 North Freeway, Houston, Harris County, Texas.

45. Damage Prevention Docket No. 004622: City of Electra enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at E. Garrison E N Main, Electra, Wichita County, Texas.

46. Damage Prevention Docket No. 004623: CenterPoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2919 Spring Creek Drive, Houston, Harris County, Texas.

47. Damage Prevention Docket No. 004624: Tri-Tek Communications, Inc. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 2919 Spring Creek Drive, Spring, Harris County, Texas.

48. Damage Prevention Docket No. 004627: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2031 Llano (Hwy 366), Port Neches, Jefferson County, Texas.

49. Damage Prevention Docket No. 004628: Alcode Plumbing enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 2031 Llano (Hwy 366), Port Neches, Jefferson County, Texas.

50. Damage Prevention Docket No. 004630: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 515 Pedernales Street (East 6th Street), Austin, Travis County, Texas.

51. Damage Prevention Docket No. 004633: Richard Trotter Construction enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 609 East Live Oak (State Hwy 22), Meridian, Bosque County, Texas.

52. Damage Prevention Docket No. 004634: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2606 East Cesar Chavez Street (San Saba Street), Austin, Travis County, Texas.

53. Damage Prevention Docket No. 004639: Southland Contracting enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 2200 North Carrier Parkway (Westfield), Grand Prairie, Dallas County, Texas.

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54. Damage Prevention Docket No. 004641: J C Hernandez Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 1509 Pixie Rose (Sostrik Ct.), Keller, Tarrant County, Texas.

55. Damage Prevention Docket No. 004644: L.H. Lacy Construction enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.11(b), at 1841 Pearson Crossing (Crossing Ct.), Keller, Tarrant County, Texas.

56. Damage Prevention Docket No. 004651: CenterPoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 725 Martin, Houston, Harris County, Texas.

57. Damage Prevention Docket No. 004652: Collins Construction Co. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.11(b) and 18.11(b), at 725 Martin, Houston, Harris County, Texas.

58. Damage Prevention Docket No. 004653: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2613 East 3rd Street (San Sara Street), Austin, Travis County, Texas.

59. Damage Prevention Docket No. 004655: CenterPoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 38 Rockridge Drive, The Woodlands, Montgomery County, Texas.

60. Damage Prevention Docket No. 004656: City of Taylor enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.10(b), 18.11(b), and 18.11(b), at 1221 Sloan S7 (McLain), Taylor, Williamson County, Texas.

61. Damage Prevention Docket No. 004665: CenterPoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4811 Christopher Place, Houston, Harris County, Texas.

62. Damage Prevention Docket No. 004673: CenterPoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 395 Titus Street, Gilmer, Upshur County, Texas.

63. Damage Prevention Docket No. 004674: Atmos Energy, West Texas Division enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 806 Birch, Idalou, Lubbock County, Texas.

64. Damage Prevention Docket No. 004675: Texas Gas Service Company enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 2106 Schulle Avenue (Gilbert Street), Austin, Travis County, Texas.

65. Damage Prevention Docket No. 004676: CenterPoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 4703 Charwon, Houston, Harris County, Texas.

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66. Damage Prevention Docket No. 004678: Kart Construction & Equipment Co., Inc. enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.4(g), 18.10(b), and 18.11(b), at 3500 Legacy (Warren), Frisco, Denton County, Texas.

67. Damage Prevention Docket No. 004682: Colmeneros Directional Boring enforcement action for violation of Underground Pipeline Damage Rules 16 TAC §§18.10(b), 18.11 (b), and 18.11(b), at 5412 Pleasant Run, Colleyville, Tarrant County, Texas.

68. Damage Prevention Docket No. 004693: CPS Energy enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 280 Dover (Crockett), San Antonio, Bexar County, Texas.

69. Damage Prevention Docket No. 004698: CenterPoint Energy Entex enforcement action for violation of Underground Pipeline Damage Rule 16 TAC §18.8(a), at 1209 North Blair (Anglin), Cleveland, Liberty County, Texas.

**OIL AND GAS UNPROTESTED**

**CONSENT AGENDA**

The Commission unanimously approved the following applications:

70. O&G 10-0262074: Chesapeake Operating, Inc. to amend the field rules for the Allison-britt (12350) Field, Wheeler County, Texas.

71. O&G 08-0261958: Chesapeake Operating, Inc. to consider oil field rules for the Hoban (Bone Springs) Field, Reeves County, Texas.

72. O&G 02-0262249: Texcal Energy (Gp) LLC for the recommendation of a tight gas formation for the Wilcox Formation Hordes Creek (Judy Sand) (42575127) Field, Goliad County, Texas.

73. O&G 03-0262260: Forest Oil Corporation for the recommendation of a tight gas formation for the Wilcox Formation Katy (Wilcox Cons.) (48278850) Field, Fort Bend, Harris and Waller Counties, Texas.

74. O&G 04-0262250: Smith Production Inc. for the Recommendation of a Tight Gas Formation for the Vicksburg Formation of the 9200 Sand Mission, West (Vicksburg 10400) (62112682) Field, Hidalgo County, Texas.

75. O&G 04-0262251: Smith Production Inc. for the recommendation of a tight gas formation for the Vicksburg Formation of the 9500 Sand Mission, West (Vicksburg 10400) (62112682) Field, Hidalgo County, Texas.

76. O&G 04-0262252: Smith Production Inc. for the recommendation of a tight gas formation for the Vicksburg Formation of the 11300 Sand Mission, West (Vicksburg 10400) (62112682) Field, Hidalgo County, Texas.

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77. O&G 06-0262259: Chevron U. S. A. Inc. for the recommendation of a tight gas formation for the Travis Peak Formation Carthage (Travis Peak) (16032812) Field, Panola County, Texas.

78. O&G 08-0262255: Soma Operating Company, LLC to establish an entity for density for the Douthit "A" (22393) Lease, Howard Glasscock (42971001) Field, Mitchell County, Texas.

**ADMINISTRATIVE MATTERS**

**PERSONNEL DIVISION**

79. Approval of Fiscal Year 2010 Agency Wide Certificate - Drug Free Workplace. The Commissioners unanimously approved this item.

**COMMISSIONERS**

80. Letter from the Commission supporting CenterPoint's application for federal stimulus funds. The Commission unanimously approved and signed the letter.

**PUBLIC INPUT**

81. 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.

The conference was adjourned at 10:10 am.