

Rubric on the Railroad Commission's final rule on critical infrastructure designation

[Commission Shift's full comments on the proposed rule](#)

[Final Rule](#)

[Commission Shift's Press Statement in Response to the Final Rule](#)

1. **Will oil and gas facilities that don't use power from the grid be required to file for critical infrastructure designation (and eventually be required to weatherize)?**
 - Yes. The proposed draft of the rule was directed primarily at facilities that are connected to power from the electric grid and need to maintain power during an energy emergency. In the final rule, the RRC clarified that facilities like gas wells that aren't connected to the grid should still be designated as critical if they meet certain criteria.
2. **Will oil and gas facilities that supply gas to electric generation facilities be allowed to opt out simply because they are not already prepared to operate in a weather emergency (even though they should be required to weatherize)?**
 - No. The commission improved the description of which facilities will qualify for an exception.
3. **What criteria have been included to identify which exception applications the RRC can reject?**
 - Facilities that supply the highest gas volumes (>250 thousand cubic feet per day) in the supply chain will not be eligible for an exception to critical infrastructure designation.
 - Facilities that produce very low quantities of gas (<15 thousand cubic feet per day for gas wells and less than 50 thousand cubic feet per day for oil wells) will be eligible for an exception as long as they are not on the future electricity supply chain map produced by the Texas Electricity Supply Chain Security and Mapping Committee. Applicants will have to demonstrate with objective evidence a reasonable basis and justification in support of the application.
 - Facilities that are on the electricity supply chain map are not eligible for an exception from critical infrastructure designation.

4. **Will this process replace ERCOT's critical load application process? If not, will facilities be able to avoid RRC's weatherization requirements and still receive power if they sign up under ERCOT's process?**
 - Facilities may still be able to sign up as critical loads even if they have an exception from the RRC's process. However, the commission remarked "based on ERCOT's comments, the Commission expects that ERCOT will use information provided on Form CI-D moving forward, but the Commission cannot speak for ERCOT on that matter."
5. **Does the penalty structure encourage operators to designate themselves as critical (and eventually become subject to weatherization rules)?**
 - The penalty structure was not changed, but the criteria for designating critical facilities is more rigorous, allowing RRC to better enforce penalties on facilities that decline designation, but that should have applied for designation.
6. **Do the forms capture information about whether these gas facilities connect to electric generation facilities?**
 - No. The commission remarked that "whether a facility obtains an exception is public information that will be available unless claimed confidential under the Public Information Act." The Texas Electricity Supply Chain Security and Mapping Committee will be producing a map of critical infrastructure in the gas supply chain that serves the electricity supply chain. It is possible that the committee will collect information some other way.