

Preliminary Texas Railroad Commission Data Show Progress Designating “Critical” Gas Facilities that Fuel the Electrical Grid

Grid’s Fate Hinges on Agency’s Weatherization Rules, Dysfunctional Recordkeeping, and Secret Meetings with Private Energy Firms

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Summary

This report analyzes preliminary, imperfect data from the Railroad Commission of Texas on its initial efforts to designate “critical” parts of the state’s natural gas infrastructure that failed again during Winter Storm Uri in February 2021.¹ After the agency’s decades-long failure to require gas facilities to winterize,² the agency has made major progress in designating “critical” gas infrastructure facilities that play a major role in the state’s electrical grid. While the agency initially proposed broadly offering gas facilities the ability to opt out of “critical-infrastructure” designation (which would leave them unprotected), the commission now appears to be wisely granting few exceptions.³

These preliminary conclusions are subject to major caveats. First, the agency has yet to specify what weatherization regulations these facilities will be subject to—safeguards that will make or break the grid in the next hard freeze. Additionally, much of the critical infrastructure data gathered by state agencies working on the electricity supply chain database and maps have been classified as confidential.⁴ Individual state legislators, much less regular citizens, cannot see the state’s Electricity Supply Chain Map, which is available to the regulators and private energy company representatives on the Texas Energy Reliability Council (TERC).⁵

The preliminary agency data analyzed here contain serious shortcomings that the agency has not resolved. First, the data that the agency provided contain an unknown number of duplicate records, which list the same facility both as a critically designated (CI-D) facility and as a facility that has applied for an exception from that designation (CI-X). This flaw inflates the total number of facilities designated as critical. Moreover, it is impossible to remove the duplicates because the agency refused to provide facility-specific identification numbers that would allow users to weed out duplicates. The agency says that it cannot say how many or which facilities are designated critical, have an exception from critical designation, or have a pending application for an exception. That is unacceptable.

The agency cited “homeland security” risks in refusing to provide unique numbers for the facilities. The agency says that it is collecting confidentiality requests in a PDF-image format that prevents it from easily generating lists of which facilities and operators requested confidentiality.

Bearing these caveats in mind, this analysis of preliminary critical-infrastructure data finds that:

- The agency tracked 67,991 facility records, initially designating 92% of them as critical facilities, while another 8% of the facilities applied for critical exceptions;
- The 34 biggest operators control more than 60% of the state’s critical gas infrastructure, operating more than 500 gas-related facilities, which include gas-producing wells, saltwater disposal wells, pipeline stations, and gas-storage areas;
- Critically designated facilities reported producing an impressive 36.4 billion cubic feet of gas per day, more than three times average daily use in Texas;⁶
- Most big operators did not seek exceptions, though a few—led by Diamondback E&P—did so aggressively;
- The agency initially rejected 96% of its 5,329 applications for exceptions (they can appeal); and
- It initially approved just 160 exception requests, all of which benefited just 10 operators—who all obtained every exception that they requested.

The Railroad Commission has made major progress responding to the latest grid failure but considerable work remains in devising effective weatherization plans and cleaning up agency data used to track critical infrastructure. Additionally, the Electricity Supply Chain Map’s confidentiality could prevent companies from being held accountable to the RRC’s future weatherization standards, because the public cannot verify which facilities must weatherize. Only facilities that are both critically-designated

and are on the Electricity Supply Chain Map will be subject to the weatherization rules. Public trust in the agency's determination to enforce weatherization has been weakened by past performance, as well as by commissioners' personal financial interests and overwhelming reliance on campaign funds supplied by the same companies they regulate.

Background

The hard freeze of February 2021 took out much of Texas' electric grid. A major contributing factor was inadequate weatherization of the natural gas infrastructure that fuels 46% of the energy running through the Electric Reliability Council of Texas grid.⁷ The freeze sidelined gas-producing wells, pipelines and storage tanks, robbing gas-powered generators of fuel. The resulting power outages, in turn, knocked out gas facilities that weathered the storm but required electricity to function.

As part of the Texas Legislature's response to the storm months later, Senate Bill 3 directed the Railroad Commission to issue rules to designate some natural gas facilities as "critical infrastructure."⁸ These assets would be subject to weatherization requirements and, where possible, protected from future blackouts. The resulting rules that the Railroad Commission first proposed in September 2021 were roundly decried for allowing operators to opt-out of their critical designations without cause.^{9,10} Angered by the agency's failure to take the crisis seriously, a bipartisan slate of lawmakers at a Senate Business and Commerce Committee meeting in September strongly criticized Railroad Commission Executive Director Wei Wang.¹¹ The final Railroad Commission Rule 65 that took effect December 20, 2021 allows some types of gas facilities to apply for exceptions from critical designation (Form CI-X) if they can justify an exception.^{12,13} Applicants can appeal if agency staff deny the exception.

Rule 65 directs operators of critical gas-supply facilities to provide written acknowledgement of their critical status by filing Form CI-D with both the RRC and with their electricity provider.¹⁴ Those critical facilities include:

- Gas wells with daily production exceeding 15 mcf;
- Oil leases with daily production of more than 50 mcf of casinghead gas;
- Gas processing plants, storage facilities and pipelines; and
- Saltwater disposal wells and saltwater pipelines.

Some of these facilities may be eligible for exceptions, but Rule 65 prohibits exceptions for:

- A facility included on the electricity supply chain map produced by the Texas Electricity Supply Chain Security and Mapping Committee;
- Gas wells or oil leases producing gas or casinghead gas in excess of 250 Mcf/day;
- Gas processing plants, natural gas pipelines or pipeline facilities that directly serve local distribution companies or electric generation;
- Local distribution company pipelines or pipeline facilities, underground natural gas storage facilities, natural gas liquids storage and transportation facilities; and
- Saltwater disposal facilities and saltwater pipelines that support one of the above facilities.

Facilities had to file these forms by January 15, 2022, with two such filing deadlines each year thereafter.¹⁵ Senate Bill 3 stipulated that the RRC would have six months from the date the Electricity Supply Chain Map was published to adopt weatherization rules for gas-related critical infrastructure.¹⁶ The map was published on April 29, 2022.¹⁷ The following analysis is based on preliminary CI-D and CI-X data that gas-related facilities filed with the agency.

Critical-Designated Facilities Are Gas Powerhouses

Flawed, preliminary critical-infrastructure data provided by the Railroad Commission contains records for 67,991 facilities. As noted, the data contain an unknown number of duplicate records for facilities that are listed both as critically designated facilities and as facilities seeking exceptions from this designation. That duplication appears to affect a relatively small percentage of the records. The agency reports that the state’s Electricity Supply Chain map, which it’s withholding from the public on “homeland security” grounds, covers “more than 65,000 facilities.”¹⁸ These include “electricity generation plants powered by natural gas, electrical substations, natural gas processing plants, underground gas storage facilities, oil and gas well leases, saltwater disposal wells, as well as more than 21,000 miles of gas transmission pipelines and approximately 60,000 miles of power transmission lines.”

The available data indicate that, so far, 92% of the tracked facilities have a “Critical-Infrastructure Designation” (CI-D), while 8% have applied for a “Critical-Infrastructure Exception” (CI-X). The agency provided gas-production figures for many CI-D facilities but did not provide production data for CI-X applicants. CI-D facilities reported producing an average of 36.4 billion cubic feet per day, more than three times the 10.7 billion cubic feet per day used in Texas on average.¹⁹

Preliminary Railroad Commission Data on Critical Gas Infrastructure Facilities

Facility Type	No. of Facilities	% Facilities	CI-D	CI-X	MCF of Gas Produced	% Gas Produced
Gas	50,306	74%	47,637	2,669	26,235,470	72%
Oil	14,963	22%	13,394	1,569	10,000,897	27%
Saltwater Disp.	662	1%	611	51	110,127	<1%
Other/Unknown	2,060	3%	1,020	1,040	30,180	0%
Total	67,991	100%	62,662	5,329	36,376,674	100%

“Gas facilities” were the largest “facility type” in the agency’s database, accounting for almost three-fourths of all CI-D and CI-X facilities combined. There are almost 50,000 CI-D gas wells, which produced 72% of all the gas reported by CI-D facilities. Other participating critical gas facilities include pipeline compressor and meter facilities, as well as underground gas storage facilities.

Gas-producing oil wells accounted for another 22% of all the CI-D and CI-X facilities, with CI-D oil wells producing 27% of all reported CI-D gas production. Oil and gas wells produce huge amounts of naturally occurring saltwater, which is typically transported to wastewater injection wells. The agency’s critical data track 662 disposal wells.

Most Exception Requests Initially Denied

Preliminary data show agency staff initially rejected 96% of all applications for critical-infrastructure exceptions. This rejection rate was high across all facility types. Staff approved just 3% of exception applications, with another 1% of the applications pending at the time the agency provided the data.

Preliminary Exception-Application Outcomes

Facility Type	Total Applications	Initially Denied	% Denied	Approved	% Approved	Pending	% Pending
Gas	2,669	2,574	96%	69	3%	26	1%
Oil	1,569	1,517	97%	28	2%	24	2%
Unknown	1,040	978	94%	62	6%	0	0%
Saltwater Disp.	51	49	96%	1	2%	1	2%
TOTALS	5,329	5,118	96%	160	3%	51	1%

Staff often rejected exception requests because applicants failed to provide documentation proving that an exception was justified. Facilities potentially eligible for an exception include:

- Gas wells and oil leases with daily gas production below 250 thousand cubic feet;
- Gas pipelines not serving local distribution companies or electric generators; and
- Saltwater disposal facilities that don't support critical infrastructure.

When staff denies an exception, applicants can appeal by requesting a hearing. Once an exception application is rejected and appeals are exhausted, the losing facility presumably gets classified as critical infrastructure.²⁰ Importantly, only facilities that are both designated as critical and that are included on the secret Electricity Supply Chain Map will be required to comply with the Railroad Commission's forthcoming weatherization rule for the natural gas supply chain.^{21, 22}

Responding to open records requests, agency representatives said that their system does not allow them to track the total number of critically designated facilities separated from those that have applied for exceptions. As such, the agency says that it does not know which facilities are currently designated critical, have exceptions, or have pending exception applications.

Biggest Operators

Preliminary agency data track 67,991 facilities tied to 884 different operator companies. Nonetheless, a few dozen huge operators control most of the state's critical infrastructure facilities. The 34 biggest operators listed below each controls at least 500 potentially critical facilities. Together, they account for more than 60% of all tracked facilities. Exxon subsidiary XTO Energy is the largest operator. It controls 6,309 of the facilities—or 9% of the total.

The Biggest Operators Dominate the State's Critical Gas Infrastructure

Operating Co.	Facilities Tracked	CI-D Count	CI-X Count	% CI-X Count	CI-D Gas Output (MCF)	CI-D Gas Rank
XTO Energy Inc.	6,309	5,892	417	7%	1,149,997	5
BKV Barnett, LLC	3,634	3,634	-	0%	537,052	11
Hilcorp Energy Co.	2,467	2,467	-	0%	256,408	30
EOG Resources, Inc.	2,338	2,338	-	0%	1,142,663	7
UPP Operating, LLC	1,999	1,999	-	0%	183,272	38
Diamondback E&P LLC	1,933	1,189	744	38%	868,933	8
Pioneer Natural Resources	1,774	1,318	456	26%	1,149,046	6
SN EF Maverick, LLC	1,552	1,552	-	0%	268,094	38
TEP Barnett USA, LLC	1,474	1,474	-	0%	476,993	14
Merit Energy Co.	1,426	1,426	-	0%	159,461	40
Chesapeake Operating, LLC	1,022	1,022	-	0%	323,620	22
Diversified Production LLC	1,007	1,007	-	0%	261,354	29
Javelin Operating, LLC	959	959	-	0%	186,774	36
Sheridan Production Co III, LLC	937	937	-	0%	81,904	68
Epic Permian Operating, LLC	865	865	-	0%	29,195	102
Rockcliff Energy Operating LLC	857	857	-	0%	1,201,369	4
Crescent Pass Energy, LLC	816	816	-	0%	68,088	78
Apache Corp.	793	718	75	9%	589,972	10
COG Operating, LLC	773	773	-	0%	466,421	15
Eagleridge Operating, LLC	761	761	-	0%	111,653	54
Chevron USA, Inc.	709	705	4	1%	661,936	148
Pantera Energy Co.	693	368	325	47%	19,688	119
Valence Operating Co.	687	503	184	27%	63,485	79
Anadarko E&P Onshore LLC	684	684	-	0%	322,545	23
Burlington Resources Oil & Gas	676	676	-	0%	496,457	13
Marathon Oil EF LLC	662	662	-	0%	6,508,517	1
Legacy Reserves Operating LP	651	651	-	0%	72,498	74
BPX Operating Co.	618	618	-	0%	325,246	21
Mewbourne Oil Co.	611	611	-	0%	90,081	63
Ensign Operating LLC	594	594	-	0%	120,817	50
Sabine Oil & Gas Corp.	559	559	-	0%	318,934	24
SN Operating, LLC	523	523	-	0%	77,050	70
WPX Energy Permian, LLC	513	513	-	0%	451,601	16
Faulconer Energy, LLC	510	510	-	0%	31,594	100
Total of Top Operators Above	42,386	40,181	2,205	5%	19,072,718	
Grand Total	67,991	62,662	5,329	8%	36,376,628	
Top Operators % of Gr. Total	62%	64%	41%	NA	52%	

Taken together, the 34 top operators account for 62% of all facilities tracked here and 64% of all designated “critical infrastructure” facilities. They also account for more than half of all CI-D-reported gas production, producing more than 19 billion cubic feet per day.

Eighty percent of these top operators did not apply for a single critical-infrastructure exception. A few large operators did aggressively pursue exceptions, however. Diamondback E&P sought exceptions for 38% of its 1,933 potentially critical facilities. Valence Operating and Pioneer Natural Resources each tried to exempt more than a fourth of their facilities (well above the overall facility rate of 8%).

Exceptional Operators

As discussed above, agency staff initially have rejected 5,118 exception applications—or 96% of all such applications received. Meanwhile, agency data listed 51 exception applications as “pending.” Finally, staff approved just 160 exception applications. This heavy rejection rate makes the first 160 exceptions approved by the agency truly exceptional. What’s more, the agency awarded all 160 exceptions to just 10 operators. In fact, the agency approved every single exception request filed by each of these rarified operators.

100% Club: First Exceptions Benefited Just 10 Operators—Who Couldn’t Miss

Operator	Exception Requests	Exception Approvals	Exception Approval Rate	Facility Types
CapturePoint, LLC	62	62	100%	None provided
Abraxas Petroleum Corp.	49	49	100%	34 gas wells; 15 oil leases
Brammer Engineering, Inc.	15	15	100%	11 gas wells; 4 oil leases
Sky Resources, Inc.	11	11	100%	11 gas wells
Cago, Inc.	9	9	100%	9 gas storage
Fort Apache Energy, Inc.	4	4	100%	2 oil leases; 1 gas well; 1 pipeline
Vaquero Hunter Inc.	3	3	100%	3 oil leases
W&T Offshore, Inc.	3	3	100%	2 gas wells; 1 unknown
Raw Oil & Gas, Inc.	2	2	100%	2 oil leases
EZ Land & Cattle Co., LLC	2	2	100%	2 oil leases
TOTAL	160	160	100%	

It’s unclear if these companies provided better justification for exceptions—or if they enjoyed some other advantage. Two exempted operators, CapturePoint and EZ Land & Cattle Co., were the only two CI-X applicants who instructed the agency not to share the details of their exception applications with the public. CapturePoint is involved in carbon dioxide capture, transportation and sequestration.

The agency’s 51 pending applications similarly are highly concentrated—among just nine operators.

Operators With 'Pending' Exception Applications

Operator	Exception Apps Pending	Initial Exception Rejections	Pending Rate
Southwest Royalties, Inc.	21	41	34%
Fossil Petroleum, LLC	9	40	18%
Maverick Brothers Operating, Inc.	5	10	33%
Pinnacle Operating Co., Inc.	5	6	45%
McGowan Working Partners, Inc.	3	6	33%
VX Operating, LLC	2	2	50%
LP Operating, LLC	2	1	67%
Raptor Petroleum Develop, LLC	2	1	67%
Snyder Drilling Corp.	2	0	100%
TOTALS	51	107	32%

A potential existing loophole is that facilities that are designated as critical but that are not listed on the Electricity Supply Chain Map will not have to comply with the forthcoming Railroad Commission weatherization standards.²³ Information contained in the Electricity Supply Chain database is considered confidential, and not subject to the Public Information Act.²⁴ Information exchanged in connection with official business of the mapping committee may be provided to individual members, agencies, or Texas legislative committees upon request.²⁵ This excludes the physical locations of critical facilities, maps created under this subchapter, or related proprietary information created or gathered during the mapping process.²⁶

While individual state legislators cannot see the Electricity Supply Chain Map at will, members of the Texas Energy Reliability Council (TERC) can.²⁷ TERC is composed of members of private companies, and regulators, including the Railroad Commission of Texas.²⁸ Energy Transfer, which made \$2.4 billion from extreme price spikes during Winter Storm Uri, obtained a TERC seat.²⁹ Railroad Commissioner Christi Craddick reported beneficial interests in Energy Transfer and Enterprise Products, and stock in CenterPoint Energy in 2020.³⁰ She did not recuse herself when her agency voted on its TERC appointees, who include representatives of those three companies.

Conclusion

Preliminary agency data on some 67,991 potentially critical gas-related facilities suggest that 92% of those facilities have, indeed, been designated critical, with just 8% applying to be exempted from a critical designation. The agency initially rejected 96% of exception requests, granting just 160 exceptions—which all benefitted just 10 operators. Operators with rejected exception applications can appeal.

The Railroad Commission says that its system does not allow it to track the total number of critically designated facilities separated from those in various stages of the exception-application pipeline. The agency said it was unable to provide clean data on critically-designated facilities that did not contain duplicate records. As such, the agency does not seem to know which facilities are currently designated critical, have been granted exceptions, or have exception applications pending. Similarly, the agency says that it does not have a list of which facilities asserted that their application data are confidential.³¹ The agency's mishandling of this data collection is a major cause for concern, because it will impair the public's ability to discern whether the agency enforces its weatherization rules fairly. This is a valid concern given the complaints that the Railroad Commission has not enforced its rules governing venting and flaring, organization reports (Form P-5), and waste facilities.³²

Still, critical-designated facilities produce an impressive 36.4 billion cubic feet of gas per day, at least three times more than is needed for Texas' average daily use. More than half of this gas comes from the 34 largest operators, who control more than 60% of all critical-tracked facilities. The Railroad Commission's forthcoming weatherization regulations for these facilities are likely to be a decisive factor in determining whether or not these critical-designated facilities can prevent another major grid failure.

References and Endnotes

¹ Railroad Commission of Texas. (Dec. 17, 2021). 16 TAC §3.65. Retrieved from: <https://www.sos.texas.gov/texreg/archive/December172021/Adopted%20Rules/16.ECONOMIC%20REGULATION.html#68>

² In 2011, FERC recommended that the Railroad Commission require winterization for gas wells and other gas- supply facilities. Federal Energy Regulatory Commission, & North American Electric Reliability Corporation, 2011, “Outages and Curtailments During the Southwest Cold Weather Event of February 1-5, 2001.” <https://www.ferc.gov/sites/default/files/2020-05/ReportontheSouthwestColdWeatherEventfromFebruary2011Report.pdf>

³ Railroad Commission of Texas. Sep. 10, 2021. Proposed New 16 TAC §3.65 and Proposed Amendments to §3.107 to Implement HB 3648 and SB3. Retrieved from: <https://www.rrc.texas.gov/media/huvofyl4/final-item-263-signed-091421.pdf> p. 10 of 22, lines 14 – 26.

⁴ Tex. Utilities Code. Sec. 38.203(d).

⁵ Tex. Utilities Code. Sec. 38.203(e); Tex. Govt. Code. Sec. 418.303.

⁶ U.S. Energy Information Administration. (4/29/2022). Natural Gas Consumption by End Use. Retrieved from: https://www.eia.gov/dnav/ng/ng_cons_sum_dcu_STX_m.htm

“Natural Gas Delivered to Consumers in Texas (Including Vehicle Fuel) (MMcf)” includes deliveries to residential, commercial, industrial, vehicle fuel, and electric power consumers. Daily use calculated by averaging monthly deliveries from January 2017 – December 2021, and dividing by 30. Note: April 2021 data was excluded, because some categories of deliveries were missing for that month.

⁷ Federal Energy Regulatory Commission, & North American Electric Reliability Corporation. (2021). The February 2021 Cold Weather Outages in Texas and the South Central United States | FERC, NERC and Regional Entity Staff Report. <https://www.ferc.gov/media/february-2021-cold-weather-outages-texas-and-south-central-united-states-ferc-nerc-and>

⁸ S.B. 3. 87th Legislative Session. (Tex. 2021). Section 4. <https://capitol.texas.gov/tlodocs/87R/billtext/html/SB00003F.htm>

⁹ Office of Public Utility Counsel, November 1, 2021, “Office of Public Utility Counsel’s Initial Comments on the Texas Railroad Commission’s Proposed New 16 Tac § 3.65 and Proposed Amendments To § 3.107,” <https://rrc.texas.gov/media/ddwgtb5g/3-65-3-107-comments-opuc.pdf>

¹⁰ CBS News, September 28, 2021, “‘Your Rule-Making Proposal Sucks’: Texas Lawmakers Scold Railroad Commission Head Over Potential Critical Infrastructure Loophole.” <https://www.cbsnews.com/dfw/news/texas-lawmakers-scold-railroad-commission-head-potential-critical-infrastructure-loophole/>

¹¹ Mitchell Ferman, Texas Tribune, September 29, 2021, “Texas Lawmakers Blast Regulator for Power Grid Winterization Loophole — But They Approved It Months Ago.” <https://www.kut.org/energy-environment/2021-09-29/texas-lawmakers-blast-regulator-for-power-grid-winterization-loophole-but-they-approved-it-into-law-months-ago>.

¹² Texas Railroad Commission, December 2021, “Rules Adopted for Critical Designation of Natural Gas Infrastructure.” https://www.rrc.texas.gov/media/senbems5/2021_nto_critical-designation-rules-and-forms-infrastructure-division.pdf

¹³ Texas Railroad Commission, December 2021, “Critical Designation Exception Application.” <https://www.rrc.texas.gov/media/mdtnvniu/form-ci-x.pdf>

¹⁴ Texas Railroad Commission, December 2021, “Acknowledgement of Critical Customer/Critical Gas Supplier Designation.” <https://www.rrc.texas.gov/media/iccifyp/fform-ci-d.pdf>

¹⁵ 2022 filings are due January 15 and September 1. Starting in 2023 filings will be due March 1 and September 1 of each year. 16 TAC §3.65 (d) and (f)(2)(A).

¹⁶ S.B. 3. 87th Legislative Session. (Tex. 2021). Section 38. <https://capitol.texas.gov/tlodocs/87R/billtext/html/SB00003F.htm>

¹⁷ Railroad Commission of Texas, & Public Utility Commission of Texas. (2022). Texas Adopts First-Ever Electricity Supply Chain Map. In Joint News Release. <https://puc.texas.gov/agency/resources/pubs/news/2022/042922-Joint-RRC-PUC-Map-press-release.pdf>

¹⁸ Railroad Commission of Texas and Public Utility Commission of Texas, April 29, 2022, “Texas Adopts First-Ever Electricity Supply Chain Map.” <https://www.puc.texas.gov/agency/resources/pubs/news/2022/042922-Joint-RRC-PUC-Map-press-release.pdf>

¹⁹ U.S. Energy Information Administration. (4/29/2022). Natural Gas Consumption by End Use. Retrieved from: https://www.eia.gov/dnav/ng/ng_cons_sum_dcu_STX_m.htm

“Natural Gas Delivered to Consumers in Texas (Including Vehicle Fuel) (MMcf)” includes deliveries to residential, commercial, industrial, vehicle fuel, and electric power consumers. Daily use calculated by averaging monthly deliveries from January 2017 – December 2021, and dividing by 30. Note: April 2021 data was excluded, because some categories of deliveries were missing that month.

²⁰ It’s possible that the agency’s preliminary data contains duplicates because staff added some facilities that failed to obtain exceptions to the agency’s CI-D list without removing them from the list of excepted applicants.

²¹ Tex. Nat. Res. Code Sec. 86.044(b).

²² Railroad Commission of Texas and Public Utility Commission of Texas. April 29, 2022. Texas Adopts First-Ever Electricity Supply Chain Map. Retrieved from: <https://puc.texas.gov/agency/resources/pubs/news/2022/042922-Joint-RRC-PUC-Map-press-release.pdf>

²³ Tex. Nat. Res. Code Sec. 86.044(b).

²⁴ Tex. Utilities Code. Sec. 38.203(d).

²⁵ Tex. Utilities Code. Sec. 38.202(f).

²⁶ Tex. Utilities Code. Sec. 38.202(f).

²⁷ Tex. Utilities Code. Sec. 38.203(e).

²⁸ Tex. Govt. Code. Sec. 418.303.

²⁹ Laila Kearney. (2021, May 6). “Energy Transfer expects \$2.4 bln boost from winter storm.” Reuters. <https://www.reuters.com/business/energy/energy-transfer-expects-24-bln-boost-winter-storm-2021-05-06/>

³⁰ Texas Ethics Commission. Personal Financial Statement, 2020. Christi L. Craddick. p. 368/378. <https://commissionshift.org/wp-content/uploads/2021/09/CraddickChristi2020PFS.pdf>

³¹ “We do not have a spreadsheet or other record that does not contain duplicated records,” agency employee Haley Cochran wrote on May 16, 2022 in response to a formal data request. “The reports we run pull information directly from our system and, unfortunately, not all duplicates have been resolved in the system. Operators are not required to remove their CIX application from the system once it is denied.” She added, “Regarding your request for which operators asserted confidentiality, we also cannot run a report to put this information into spreadsheet form. Each operator submitted a PDF cover page as part of its CID/CIX application indicating whether confidential information was included on the operator’s spreadsheet attachment. We need to pull every PDF to determine which operators asserted confidentiality.” Since the agency wasn’t tracking this basic data, Cochran estimated that the agency would charge the requestor \$2,250 to gather this information if they hired the private firm Neubus, which stores RRC records, to sort through the data.

³² Railroad Commission of Texas. April 2022. Public Comments Received Regarding the FY 2023 Draft Oil & Gas Division Monitoring Enforcement Plan. <https://www.rrc.texas.gov/oil-and-gas/compliance-enforcement/enforcement-activities/>