

Transcript of the Railroad Commission Open Meeting, October 6th 2026

[00:00:00] This meeting of the Railroad Commission of Texas will come to order to consider matters which have been duly posted with the Secretary of State for October sixth, twenty twenty-six. As a reminder, all persons attending today's meeting should conduct themselves with dignity, courtesy, and respect toward the commission, agency staff, and other persons in attendance.

Under our public participation policy, anyone desiring to offer public testimony on any items that are not noticed on today's agenda was required to register in advance, and we had six people do so. Thank you very much. The commission will consider the items on the agenda as, uh, as posted on the agenda.

But first, we've got service awards. So I know we've got people in the overflow room for staff. Um, if we could get all staff in here for service awards, and we're gonna do that first. Thank you[00:01:00]

We're in this way

Good morning, Chairman and commissioners. My name is Jessica Chamberlain. I'm the director of human resources. This morning, I'm pleased to present our fourth quarter service awards for fiscal year twenty twenty-six. During the fourth quarter of fiscal year twenty twenty-six, we had twenty employees celebrating a milestone anniversary representing exactly two hundred years of combined service.

We're excited to recognize ten of these employees today. Uh, first, celebrating five years of service is Jennifer Delgado from the oil and gas division

[00:02:00] Next call's over here. Count of three. One, two, three. Thank you. Congratulations. Also celebrating five years of service is Megan Garcia from the Oil and Gas Division, San Antonio District

Miles, one, two, three

It's yours. Celebrating five years of service is Alberto Hernandez from Pipeline Safety, Corpus Christi region

Two, three

Also celebrating five years of service is Michelle Terrell from the Oil and Gas Division, Corpus Christi District[00:03:00]

Also celebrating five years of service is Jared Ware from the oil and gas division

One, two, three.

Next, celebrating ten years of service is Melissa McIntyre from Financial Services

Celebrating 10 years of [00:04:00] service is Michael Nuremberg from Pipeline Safety South Region

Clear one, two, three.

I know how you feel. Uh, celebrating 15 years of service is Ashley Correll from the Hearings Division.

One, two, three

Also celebrating 15 years of service is Christie Reeve from the Hearings Division[00:05:00]

And finally, celebrating 20 years of service is Angie Whitehead from the Oversight and Safety Division

Big smile. One, two, three.

Thank you, guys. Uh, congratulations to our morning, uh, this morning's recipients, and we appreciate their dedicated service

Thank you all. What a great, uh, group of people. We appreciate everybody across the state and the work they do for the commission. We appreciate it. Okay, ready for item number one. Good morning. Good morning, Chairman and [00:06:00] commissioners. For the record, my name is David Bauman. I am representing the Market Oversight section of the Oversight and Safety Division.

Agenda item number one is case number zero zero zero three one six six four, the application filed by Hugh Brinson Pipeline LLC pursuant to Natural Gas Policy Act Section three eleven for review of the reasonableness of a transportation rate. Hugh Brinson Pipeline LLC has provided testimony and

supporting data demonstrating that the requested rate does not exceed a cost-based rate.

Staff recommends approval of the requested rate, and I'm available for any questions. Thank you. Are there any questions? I move we approve the examiner's recommendation. Is there a second? Second. Second by Commissioner Christian. All in favor say aye. Aye. Motion passes. That item's approved. Thank you Adam Rumbinton Good morning Good morning[00:07:00]

Good morning, Chairman and Commissioners. For the record, my name is Louise Viejas, and I'm representing the market oversight section of the oversight and safety. Agenda item number two is case number three one eight six five, the application filed by Atlas Pipeline Texas for the twenty twenty-six Rider System Safety and Integrity, or Rider SSI surcharge.

This is the third Rider SSI filing since the company's most recent statement of intent, docket number OS2300013758, in which the company's benchmark for SSI expenses was approved. In this application, the Rider SSI surcharge represents a decrease in rates from point five six five five eight to point five two three two nine to customers as costs for qualifying SSI activities decreased from twenty-three million three thousand eighteen [00:08:00] dollars to twenty-one million four hundred and sixty thousand dollar-- four hundred and sixty thousand two hundred and thirty-nine dollars.

The costs associated with qualifying SSI activities are proposed to be recovered volumetrically from customers based on an a-annual maximum daily quantities consumed by customers subject to this charge. Staff recommends approval of the Rider SSI adjustment as amended. I'm available for questions.

Thank you. Are there any questions? No. I move we approve the examiner's recommendation. Is there a second? Second. Second by Commissioner Wright. All in favor say aye. Aye. Motion passes. That item is approved. Number three All right. Uh, good morning, Chairman and Commissioners. For the record, my name is Louise Viejas, and I'm a financial analyst in the Oversight and Safety division.

Agenda item number three is case number three two six three two, the application filed by Atmos Pipeline Texas, twenty twenty-six rider rev adjustment. This is the third rider rev adjustment since the company's most recent statement of intent, [00:09:00] docket number OS-2300013758. In this application, the rider rev adjustment represents a decrease to regulated rates as

other revenue increased to three hundred and twenty-six million two hundred and fifty thousand and nine dollars.

From July first, twenty twenty-five through June thirtieth, twenty twenty-six, the difference in other revenue from the benchmarks established in the final order is a decrease of two hundred and nineteen million two hundred and ninety thousand nine hundred and four dollars. Of this amount, seventy-five percent, or a hundred and sixty-four million twelve thousand four hundred and seventy-eight dollars, will be a credit to rate CGS and pipeline transport customers.

I recommend approval of the rider rev adjustment. I'm available for questions. Thank you. Are there any questions? No. I move we approve the examiner's recommendations. Is there a second? Second. Second by Commissioner Christian. All in favor say aye. Aye. Aye. Motion passes. Item's approved. Thank you. Thank you.

Great. Item number four[00:10:00]

Good morning. Morning. Good morning, Chairman and commissioners. For the record, my name is Ryan Rutledge, Administrative Law Judge for the Hearings Division. Item number four is an application by San Miguel Electric Cooperative Inc, requesting phase three release for one hundred point four acres within San Miguel Lignite Mine, permit number 52A, located in Atascosa County.

The approved post-mine land use for the area is pasture land. Evidence in the record supports that San Miguel has satisfied all requirements for phase three release of the subject area as required by the Act and the coal mining regulations. Following public notice, no comments or requests for a hearing were received.

San Miguel and staff were the only parties to the proceeding, and no exceptions were filed to the proposed order. It is recommended that the request for phase three release of the reclamation obligations be approved, and determined that San Miguel is eligible to reduce the amount of bond. I'm available for questions.

Thank you. Are there any questions? [00:11:00] No. I move that we approve the examiner's recommendation. Is there a second? Second. Second by Commissioner Wright. All in favor say aye. Aye. Motion passes. That item's approved. Thank you. Item number five. Good morning. Good morning,

Chairman and commissioners. I'm John McCoolio, administrative law judge with the Hearings Division.

Item number five is the application of Jewett Mine LLC for release of phase three reclamation obligations on three hundred and seven point zero acres, permit number thirty-two I, Jewett Mine, Limestone, Leon, and Freestone County, Texas. The approved post-mine land uses are pastureland and developed water resources.

Evidence in the record supports that Jewett has satisfied all requirements for release of phase three reclamation obligations on the three hundred and seven point zero acres as required by the Texas Surface Coal Mining Reclamation Act and the coal mining regulations. After public notice, no comments or requests for hearing were received.

Jewett and staff are the only parties to the proceeding. No exceptions to the proposed order were filed, and Jewett seeks no [00:12:00] bond reduction. It is recommended the application for release of phase three reclamation obligations on the three hundred and seven point zero acres be approved and that Jewett be eligible to reduce the bond by an amount attributable to the release, excuse me, released phase three acres in future bond adjustments.

And I'm available for questions. Thank you. Are there any questions? No. I move we approve the examiner's recommendation. Is there a second? Second. Second by Commissioner Christian. All in favor say aye. Aye. Motion passes. That item's approved. Thank you. All right. Item number six. Good morning. Morning. Uh, good morning, Chairman, commissioners.

My name is Alyssa Zachary, administrative law judge with the Hearings Division. I will be presenting items six through eight. Item six is the application of Choya Operating LLC for a commercial permit to dispose of oil and gas waste by injection into a formation not productive of oil or gas. Choya proposes to dispose of up to twenty thousand barrels per day of saltwater and other non-hazardous oil and gas [00:13:00] waste into the Lower Glen Rose formation.

The application is protested by Winter Garden Groundwater Conservation District. Winter Garden contends that the construction plans for the disposal well are insufficient to protect the base of usable quality water, underground sources of drinking water, and the Upper Glen Rose form-formation.

Additionally, Winter Garden asserts that the proposed well is inconsistent with the provisions set out in Statewide Rule thirteen. Choya maintained that the Upper Glen Rose formation and all usable quad- quality resources are adequately protected by the subject well's casing and cementing program, including special permit con- conditions.

Choya affirmed that there is sufficient vertical separation and confinement to protect groundwater, surface freshwater, and confinement of disposal fluids to the proposed disposal interval. The examiners find that Choya provided sufficient evidence to demonstrate the proposed injection interval will be confined to the Upper Glen Rose formation, and usable quality water [00:14:00] resources will be adequately protected from pollution.

The examiners recommend approving the application pursuant to Chapter twenty-seven of the Texas Water Code and Statewide Rule nine. No exceptions or replies were filed. I am available for questions. Are there any questions? No. I move we approve the examiners' recommendations. Is there a second? Second.

Second by Commissioner Wright. All in favor say aye. Aye. Aye. Motion passes. That item's approved. Number seven. Thank you. Items seven and eight are presented in one order requiring one vote. BlackRock Operating LLC and Mammoth Operating LLC filed competing forms P4, each seeking to become the regulatory responsible operator of the same well.

BlackRock presented a dual signature form P4 signed by the previous operator, while Mammoth offered a single signature form P4 and a new mineral lease. BlackRock purchased rights to the well from Siervo Resources Asset Holdings LLC. Siervo's rights flowed from a nineteen-forties mineral lease. The nineteen-forties mineral lease had a [00:15:00] clause terminating the agreement after sixty days of non-production.

More than sixty days have passed since production was last reported. BlackRock argued that the presence of oil on the surface should be considered production. The examiners rejected this argument and found Siervo's right to the well terminated before the transfer to BlackRock. Mammoth presided-- provided a facially valid mineral lease within its primary term.

The examiners recommend that the commission find BlackRock failed to make a reasonably satisfactory showing of a good faith claim to operate the lease and deny BlackRock's Form P4 filing. The examiners also recommend that the commission find Mammoth provided sufficient evidence of a good faith claim

to the lease and approve Mammoth's P4 filing, allowing Mammoth to become the regulatory responsible operator.

No exceptions or replies were filed. I am available for questions. Thank you. Are there any questions? No. I move we approve the examiners' recommendations. Is there a second? Second. Second by Commissioner- And all in favor say aye. Aye. Motion [00:16:00] passes. Those items are approved. Thank you very much. Thank you. All right.

Items nine, ten, eleven.

Good morning, Chairman, commissioners. For the record, my name is Madi Patel, administrative law judge with the Hearings Division. Items nine through eleven will require one order and one vote. These items are the result of dual signature forms P4 filed by Olinux Corporation, requesting it be designated the operator of record for three leases.

The Office of General Counsel legal enforcement section referred the matters to the Hearing Division for good faith claim reviews. Olinux argues that requiring an operator to produce a complete chain of title from the original base lease and over seventy years of assignments exceeds the burden created by the Texas Supreme Court in Magnolia and in State Red Wolf XV.

Olinux maintains that complete evidence of a valid oil and gas lease is not required, and that an operator only has to prove some evidence of a valid oil and gas lease. Olinux is required to establish a continuing possessory right in the subject mineral [00:17:00] estates to evidence a good faith claim. The commission performs a cursory review of documents on their face, looking at the base lease, any subsequent amendments, ratifications, and assignments leading up to the current operator to show the continuing right.

Providing some evidence of assignments is not sufficient. Olinux claims it's too burdensome and expensive to obtain necessary documentation to establish the complete chain of title. However, every other operator that is subject to a good faith claim analysis is held to the same standard of review.

Leaving up to eighty-five years of documentation unaccounted for does not establish a continuing possessory right. The examiners recommend that the commission find Olinux does not have a good faith claim to operate the leases and deny Olinux applications. Exceptions were filed, and I am available for questions.

Thank you. Are there any questions? No. All right. I move we approve the examiner's recommendation. Is there a second? Second. Second by Commissioner Wright. All in favor say aye. Aye. Motion passes. Thank you. Those items. All right, twelve, thirteen. [00:18:00] Good morning. Good morning. Good morning. For the record, my name is Trevor Hance, administrative law judge with the Hearings Division.

Items twelve and thirteen pertain to the applications of Mewborn Oil Company for exceptions to Statewide Rule thirty-seven. Mewborn provided sufficient evidence for each well to show an exception should be granted to prevent waste confiscation and protect relative rights. The Protestant, Charles Reeser, failed to provide sufficient evidence in support of his request that the exceptions be denied.

PFD was issued, no exceptions were filed. The examiners recommend the exceptions be granted subject to the conditions in the final order. I'm available for questions. Thank you. Are there any questions? No. All right. I move we approve the examiner's recommendations. Is there a second? Second. Second by Commissioner Christian.

All in favor say aye. Aye. Motion passes. Those items are approved. Thank you. All right, we're moving on to the oil and gas consent agenda. There are fourteen items on the consent agenda, items fourteen [00:19:00] through twenty-seven. Are there any questions? No. All right. I move that we approve items fourteen through twenty-seven.

Is there a second? Second. Second by Commissioner Wright. All in favor say aye. Aye. Motion passes. Those items are approved. We're going to inactive well items. There are Twenty-four inactive well items, items twenty-eight through fifty-one. Item number forty, somebody... Let's see. Ross King with Eagle Ridge Operating has, uh, is available for questions on item number forty.

Is there anybody who need-- wants to hear from Mr. King? Okay. Um, I move we approve items twenty-eight through fifty-one. Is there a second? Second. Second by Commissioner Christian. All in favor say aye. Aye. Motion passes. Those items are approved. Going to master default orders. There are sixteen of these, items fifty-two through sixty-seven.

Are there any questions on these? No. All right, I move we approve items fifty-two through sixty-seven. Is [00:20:00] there a second? Second. Second by Commissioner Wright. All in favor say aye. Aye. Motion passes. Those items

are approved. Going to agreed enforcement orders. There are four hundred and seven agreed enforcement orders.

I move we approve item sixty-eight through four seven four. Is there a second? Second. Second by Commissioner Christian. All in favor say aye. Aye. Motion passes. Those items are approved. That concludes the hearing section matters, and we're now gonna take up our administrative agenda. All right, item four seventy-five

Morning

Good morning, Chairman and commissioners. Mm. For the record, I am Valerie Wilcox, procurement lead. Item number four seventy-five on the agenda pertains to the commissioner's approval of a contract pursuant to the Commission's delegation of authority under Section twenty-two sixty-one dot two fifty-four of the Texas Government Code.

The Commission's internal delegation of [00:21:00] authority and the government code require commission approval of contracts and associated amendments greater than or equal to one million dollars. At issue today are fifteen amendments for site remediation services. Approval of this agenda item will ensure the agency has the necessary approvals in place pursuant to the Commission's delegation of authority and state law so that the projects can proceed in a timely manner.

Your notebooks include a summary of the amendment terms, including contract number and amount. Staff request that the Commission approve the amendments pursuant to the Commission's delegation of authority. I'm available for questions. Thank you. Are there any questions? No. All right. I move we approve staff's recommendation.

Is there a second? Second. Second by Commissioner Christian. Sorry, you're not Commissioner Christian. No. Commissioner Wright. Um, all those in favor say aye. Aye. Aye. Motion passes. That item's approved. Thank you. Thank you. All right. Uh, four seventy-six Good morning. Good morning, Chair and [00:22:00] Commissioners. I'm Betsy Patekolis, attorney with the Office of General Counsel.

Um, for item four seventy-six, I have two brief updates for the Commission. Um, at the last conference, we updated the Commission on EPA's rulemaking to reassess its new source performance standards for greenhouse gas emissions

from fossil fuel-fired electric generating units or the Clean Power Plan two point O.

EPA proposed a rule reassessing the challenged rule in June of twenty twenty-five, and that rulemaking was finalized on September fourteenth. The final rule removed the emissions guidelines for existing coal and oil or gas-fired steam electric generating units, as well as carbon capture and sequestration and storage or CCS-based standards, uh, for certain coal-fired units, um, and new baseload combustion turbines.

The rule rests primarily on EPA's reassessment of the best [00:23:00] system of emissions reduction determinations that were included in the twenty twenty-four rules. And it removes these-- those requirements as of the effective date of the newly finalized rule, which will be November sixteenth. Concurrently with that rulemaking, EPA issued a supplemental proposal to repeal all remaining greenhouse gas emission standards, uh, for fossil fuel-fired power plants, um, under Section one eleven of the Clean Air Act.

EPA bases this supplemental proposal on its proposed conclusion that Congress did not authorize the EPA to regulate power plant emissions under Section one eleven for the purpose of addressing global climate change. In addition, EPA is seeking comment on seven specific issues. The comment period for that supplemental proposal ends on November second.

Railroad Commission staff is currently reviewing that rule, and I expect we'll be working, um, with TCEQ staff [00:24:00] to submit joint comments on the proposal. Next, um, I have a brief update on the methane rule litigation. Um, as you may recall, that litigation, um, had been held in advance by the court, um, and EPA was required to submit periodic status reports.

Um, EPA's most recent status report was filed on September eighteenth. And in that, EPA reported that it is reconsidering the challenged rule and that a draft proposal is currently under review by the Office of Management and Budget. So of course, we'll be watching, um, for any action on that rulemaking, and we'll bring any updates to the Commission.

But may I answer any questions? Any questions? No. Thank you very much. Thank you. All right. Item 477

Good morning. Good morning, Chairman and Commissioners. Uh, I'm Jonathan Broberg, attorney with the Office of General Counsel. Item four [00:25:00] seventy-seven is proposed amendments to commission rules three point one five

and three point five eight pursuant to Senate Bill eleven fifty of the eighty-ninth legislative session.

In accordance with SB eleven fifty, the proposed rule language creates new plugging extension requirements for an inactive well that has been inactive for at least fifteen years and was completed at least twenty-five years ago. This class of inactive well has been defined as a fifteen twenty-five well in the rule language.

The proposed amendments also would codify SB eleven fifty's requirements for inactive well transfers and annual operator reporting on inactive wells. Staff request the commission's approval to publish the proposal in the Texas Register for public comment. If approved today, it will appear in the October twenty-third issue with a comment deadline of Friday, November thirteenth.

The proposal and online comment form will also be made available on the commission's website. I am available for questions. Thank you. Are there any questions? No. All right. I mo- I move we approve staff's recommendations. Is there a second? Second. Second by Commissioner [00:26:00] Wright. All in favor say aye. Aye. Aye.

Motion passes, that item's approved. Thank you. We'll look forward to seeing if-- for comments, and you said are-- it'll be on our website by later today. Is that correct? Um- Or tomorrow? Soon it will be up. Okay. Okay. In the next two days. Okay. Thank you. All right. Uh, four seventy-eight. Good morning.

Good morning commissioners. Leslie Savage with the Oil and Gas Division. Um, we're requesting that the com-- the commission's approval to publish, uh, proposed amendments to various rules in sixteen Texas Administrative Code, chapter five, subchapters A and B. Um, specifically, the amendments would impact five point one oh two relating to definitions, um, five point two oh two relating to permit requirements and draft permit fact sheets, five point two oh three relating to application requirements, five point two oh four relating to notice of [00:27:00] permit actions and public comment period, and five point two oh five relating to fees, financial responsibility, and financial assurance, as well as five point two oh six relating to permit standards.

Uh, basically, these amendments add two new definitions, amend two definitions, um, provide, um, some flexibility that is allowed under federal law, um, basically technical issues that, um, uh, we've gained experience in, uh, reviewing these applications and, and issuing permits. Um, just a few technical

clarifications really Um, we're also proposing to, uh, clarify the difference between a public meeting and a contested case hearing.

The current rules, um, don't really make that clear, and so we're, we're trying to clarify that. And then also to expand the options financial... for financial respons-responsibility mechanisms. Um, when we initially adopted the [00:28:00] regulations in two thousand and nine and then amended them, uh, later on, the last time in two thousand and twenty-three, um, we basically advised that we felt comfortable with the financial assurance mechanisms that we already were, were processing.

Basically, the letter of credit, um, the performance bond. Um, however, we did promise to take a look at the other, uh, mechanisms that are allowed under federal law and to amend the regulations at a subsequent time. And so that's what we're doing here. Um, there are quite a few, uh, various... There's insurance, um, there are escrow accounts.

Um, there are several different mechanisms that are allowed under federal law that we're adding to these, uh, these, these rules. Uh, the only option that we are not recommending, uh, to allow are the self-insurance, basically, um, mainly just, uh, based on our experience over, uh, lo these many years. Um, [00:29:00] but all of the other financial me-- uh, uh, responsibility mechanisms we're proposing to, uh, to allow.

Um, this issue's kinda caused problems with some of the applicants. Um, we wanna make sure that, um, they have adequate financial assurance, um, that are not risky, um, so that the State of Texas, uh, and the taxpayers won't, won't be paying for the closure of these facilities. Um, well, if w- if it's approved today at conference, it'll be published in the Texas Register on October twenty-third.

However, we do plan to place it on the commission's website either today or tomorrow. Um, and that will give an additional basically, uh, two weeks, uh, for, for comment. Great. I'm happy to answer any questions. Betsy Peticolas is here as well. Uh, she's been a great help in this. Thank you. Are there any questions?

No. Great job, Leslie. You and Betsy. Yes. Thank you both. You know, let me say, one of the, one of the real heroes of the, uh, State of Texas is this [00:30:00] lady right here. Right. Uh, she is recognized internationally as an authority, and when she speaks, people listen. And thank you for the-- what you've done for the citizens of Texas.

Thank you. We appreciate you. Thank you, Leslie. All right, I move we approve the staff's recommendations. Is there a second? Second. Second by Commissioner Christian. All in favor say aye. Aye. Aye. Motion passes. That item's approved. Item four seventy-nine. Good morning. Morning, Chairman, commissioners. Fernando Jimenez, staff attorney at the Office of General Counsel.

Item number four seventy-nine is staff's recommendation to amend sixteen Texas Administrative Code Section seven point three five one relating to gas utility pipeline tax. The proposed amendment to seven point three five one updates procedures for submitting gas utility tax reports and payments to the commission by removing language addressing submission by mail.

The amendment is necessary to conform the rule to the commission's new online payment system, under which gas utility tax reports and payments are submitted exclusively through an electronic payment portal. [00:31:00] Staff requests the commission's approval to publish the proposed amendments in the Texas Register for Public Comment.

If approved today, the proposal is expected to appear in the October twenty-third issue of the Texas Register. The proposal and an online comment form would also be made available on the commission's website, giving interested persons more time to review and submit to, um, comments to the commission. I'm available for questions.

Thank you. Are there any questions? All right. I move we approve staff's recommendations. Is there a second? Second. Second by Commissioner Wright. All in favor say aye. Aye. Aye. Motion passes unanimously. Thank you. All right. Item four eighty is our public participation item, and we have six people who have pre-registered to testify.

Um, will you-- I'm sorry, I have to back into number four seventy-eight, and I apologize. We had somebody available to testify, uh, Becky Smith. I [00:32:00] apologize. I did not see her name on my list. Um, if anybody wants to hear some-- M-Miss Smith, we're happy, I'm happy to back up and reopen four seventy-eight. Okay. All right.

Now we're at four eighty. Um, okay. Everybody will have three minutes. Please state your name when you come up. Let's see. Uh, and I'm gonna... If I misspoke-- If I missay your name, please give me grace this morning. Uh, Namrata Chilhar. Did I get close? Okay. Good morning. Good morning, commissioners and Chair. I'm Namrata Chillar with Save Our Springs Alliance,

a Texas nonprofit dedicated to preserving the Edwards Aquifer ecosystem and the nature-- natural and cultural heritage of Texas and country.

We also give our members a legal voice in protecting their legal rights through a participatory democracy and fair open government. This is what [00:33:00] I'm here for today, to remind everyone that there is no such thing as public liberty without freedom of speech. Yet here we are questioning why it matters that we can speak to you directly.

This commission regulates oil, gas wells, pipelines, oil field waste, gas utilities, mining. Its decisions literally reach every corner of the state. All your power comes from the people, and in a representative government like ours, we do not give up the right, our voice, when we elect you. Democracy cannot be a spectator sport, and Texans have the right to speak to the people who decide in the room where decisions are made.

Hearing from public only makes the government better. Honest criticism is no attack on this commission, and it's a service to it. Even if you disapprove of what we say, I hope you will still defend our right to say it. Open forums exist for a purpose: to bring problems to light, to discuss your ideas before they becomes ru-- [00:34:00] they become rules for us, and to build the pub-public trust you depend on as regulators.

But now we are moving backwards. Under this commission's new policy, a right to an open forum exists at a commissioner's discretion. The Texas Open Meetings Act is the floor and not the ceiling, and your own statute in the Natural Resources Code calls for a reasonable opportunity to appear before this commission and speak on any issue.

A right that depends on discretion is not really a right. It would be a permission, and Texans should never have to ask permission to speak to the officials they elect. Commission Shift has asked for three things, and we ask for the same. First, guaranteed public input at every open meeting. Second, remote testimony so distance never silences anyone.

Third, when peop-people register to speak on an agenda item, hear them before you vote. Staff listening sessions can never substitute for being heard by the commissioners who decide. [00:35:00] The people who live with your decisions know and will tell you that no document ever will. They deserve a voice in every open meeting by right.

Thank you. Thank you. All right. Um, Alexis Iswasu. I'm sorry if I just butchered your name. I really apologize. Thank you for being here Yeah

My name is Alexis Watson. I have a background in chemistry, geology, and petroleum engineering, as well as a decade of experience working in the oil and gas industry, including carbon capture and storage projects. I ask the Railroad Commissioners as a Texan, Texan to do my civic duty, trying to do my civic duty, to actively listen to the public about what we are concerned about and what we want to see in terms of policy and outreach.

You can create a public engagement and participation policy that you think is what the public wants. But if it doesn't involve-- uh, if the public doesn't know about it, and we were not able to [00:36:00] publicly comment on it, then is this policy actually in the best int-interests of, for Texans? And when your representatives do these speaking engagements and listening sessions, what does that actually do for Texans who want change?

Do you earnestly take in to consideration the range of concerns from these sessions into the permitting and policies procedures? You are supposed to serve as liaison to Texans in addressing our co-- questions and concerns where we can expect excellent customer responses. It's on the OPE fire twice. If this is the case, then how is there a backlog of complaints to this office regarding oil and gas spills, leaks, blowouts that remain ignored for years, or when there are evidence-based risks associated with CCS facilities and the public comments that are also ignored?

It is possible to address the public's input on oil and gas operations and on the RRC's regulatory process while keeping the oil and gas sector economically viable. Key RRC responsibilities on that OPE fire is to educate local communities on the [00:37:00] RRC's role in regulating the oil and gas industries.

It's to promote public participation in the agency rulemaking processes such as Class two and Class six, and to educate the public on their rights to participate in permittings and hearings. The public is supposed to be involved with the RRC. It is our civic duty to provide input, and it is your job to listen and incorporate that input.

The public engagement policy should include, but not be limited to keeping the public input on the open meeting agendas without a commissioner requesting it, installing remote public input at these open meetings, allowing verbal comments from people who register to speak on agenda items, not only during the public

input section of the agenda, and enforcing corporations to hold public informational sessions in these counties that have these CCS projects before the draft permits.

So, uh, as stated on the memo- memorandum of agreement, Appendix H, between y'all and the EPA. Furthermore, do y'all think y'all conducted yourselves with dignity, courtesy, and respect with the people who were in attendance in last [00:38:00] month's meeting? You're in positions of power and thus held to higher standards.

Yelling and cursing at anyone who's doing their civic duty to participate in our Texas government is an abuse of power, and standing by and allowing it to happen is reprehensible. I'm proud to be able to do my civic duty here today. Thank you for your time. Thank you. Virginia Palacios

Good morning, Virginia Palacios with Commission Shift. Um, I wanna start with gratitude. Um, Commissioner Wright, I just wanna express gratitude for you using a respectful tone with me when you asked me questions at the last open meeting. I think that's how this should go. Even if we disagree, we should at least be able to have a civil conversation about it.

Um, Chairman Craddick, I appreciate the words in the statement that you made to Exxon, um, when there was a [00:39:00] discussion about the Class Six permit with Exxon Rose. It, it's important for them to hear from you that they need to be going out and talking to communities. And with all due respect, uh, the one point of feedback that I have is that you could have held on to your authority and remanded that permit and made them do some things in the permit before voting yes on it if you actually wanted them to do those things.

And so remember your power and your authority in that moment. Um, and Commissioner Christian, thank you for voting no on the Exxon Rose permit. I know it's not always easy to go against the grain if other people aren't gonna agree with you, but it shows leadership that you did. Um, and of course, I wanna focus on what matters with respect to the public input policy.

Guaranteed public input before the elected railroad commissioners matters because Skyler White has more than two hundred orphaned wells on his property, and he finds a new one leaking almost every other month. [00:40:00] Guaranteed public input before the elected railroad commissioners matters because I live among oil and gas development.

I use a water well, and I breathe the air from all of that development. Remote public input before the elected railroad commissioners should be allowed because folks in West, East, and South Texas have runoff on their land, groundwater contamination, air pollution, vomiting, nausea, COPD, preterm birth, cardiovascular problems, and cancer related to oil and gas operations, and it's not easy enough for them to get to Austin to talk to you about it.

Remote public input before the elected railroad commissioners should be allowed because a retired petroleum engineer with thirty years of experience and a bad back can help you solve these problems but might not be able to travel here. Remote public input before the elected railroad commissioners should be allowed so that you can hear from someone other than me.[00:41:00]

The commissioners should take comments on posted agenda items at every open meeting because you should hear from the people affected by your decisions before you make them. The commissioners should take comment on posted agenda items from all participants who sign up because you don't have to be an elected official for what you have to say to matter.

Thank you so much for your consideration. Thank you Adrian Shelley

Hmm. My wife tells me that every day

Good morning, commissioners, Chair. Um, Adrian Shelley. I'm the Texas director of Public Citizen. Public Citizen's mission is to be the voice of the people in the halls of power. Um, it's been several years since [00:42:00] I've spoken in front of the Railroad Commission, and that is in part because of the incredible confidence that I have in the work that's being done by Commission Shift and by, uh, Virginia particularly.

Um, I'm not gonna repeat what's been said. I'm just gonna reiterate a couple of points. You are public servants. Public participation is extremely important to your role. Um, unfortunately, from the name of your agency all the way down to the action that was taken at the last meeting, there have been efforts to frustrate or minimize, um, public participation, and that's really unfortunate.

Um, at times, some of what's been said has even gone as far as showing contempt for members of the public or folks who represent them, and I just want to encourage a return to the respect and decorum that we all expect. Um, again, I want to reiterate, Commission Shift speaks for many of us who do not come here every week or every other week.

My [00:43:00] organization has sixty thousand members and supporters across Texas. They're informed about what we do. They're informed about the issues. They cannot come to a meeting like this, but they understand what we're doing, and we speak for them, and they endorse what we say. And the same thing is true of Commission Shift.

Um, so I just want to reiterate the asks. Please guarantee public comment at every single meeting going forward. Please do allow remote public input so that you can hear from all those folks from across the great state of Texas. And please allow, uh, folks to comment on agenda items and consider those comments before you decide.

Thank you.

Uh, Caba White

Good morning, Chair and Commissioners. My name is Kaiba White, and I'm speaking on behalf of Public Citizens Texas office. As our name implies, [00:44:00] we work for the public good. We are dedicated to making Texas a better place to live, work, and play by reducing air and water pollution, mitigating and adapting to climate change, and conserving energy and water resources.

To do this work, we often must engage with decision-makers like yourself and also encourage members of the c- public to do the same. We hope that you will welcome this input. Hearing the perspectives of those who are most impacted by the industries that you are charged with regulating is essential input to making better public policy to protect Texans and our resources.

General public input, as well as the opportunity to speak on any agenda item, should be guaranteed at every public meeting. And because most Texans would have to drive hours and get a hotel room in order to attend these meetings, remote comment should be allowed. I'm here today because of the [00:45:00] aggressive and sexist attack that was directed at Virginia Palacios' commission shift by Commissioner Christian at la- at the last open meeting.

Those comments, which included foul language, were most certainly not in-- were most certainly a violation of your own decorum policy, which you read at the start of this meeting, and states, "Persons attending open meetings of the commission, including those offering public comment, shall conduct themselves with dignity, courtesy, and respect toward the commission, agency staff, and persons in attendance."

As commissioners, you are also persons attending the meeting. Surely, this policy applies to you. This behavior is intimidating and could dampen public engagement, which is already low with this agency. I hope that wasn't your intention. Commissioner sh- Christian, I hope that you are ashamed of your actions and are ready to commit yourself to conducting [00:46:00] your work with dignity, courtesy, and respect.

If you aren't able to handle public criticism without losing your cool, this is the wrong line of work for you. And Chair Craddick, it was inappropriate and a dereliction of your duty as chair to allow Commissioner Craddick to continue those rude comments and then also state that you agreed with him.

You should have interrupted him and admonished him. Maybe I'll interrupt you today. We don't need to be, be admonished. Thank you, your time's now up. We appreciate- Actually, my time is not up. I have 19 more seconds. Thank you. Your time's up. We appreciate you being- Your job as chair is to conduct these meetings and conduct, in accordance- Tyler White, your time is now up, please.

Thank you ... to quorum policy. I hope you're up for the job. Your time's up. Thank you very much. Commissioner. Let me remind people, this is a courtroom. This is- You can't handle it either ... this is to be... We don't need to be dressed down every day. That's not a good way to do business in front of this [00:47:00] agency.

Mr. White, I believe you're in the back. Yes, sir. Good morning.

Morning. I'm Skylar White from Goldsmith. I've paid my own way to be here. I'm not representing anybody but myself. Uh, in the September open meeting from last year, September twenty twenty-five, uh, re- I brought a, uh, issue to y'all about the Pecos River. Uh, there's produced water seep in the Pecos River that I first reported in twenty thirteen, and I brought it back to you in September of last year because I s- suspected that there was still a problem developing there.

And, uh, in about three weeks ago, we discovered a very large produced water spill in the Pecos River. Uh, it- it's huge. It's between a quarter and a half mile long. The salt crust on that [00:48:00] thing is three inches thick. Uh, it's nasty, nasty. There's oil sheen on top. Uh, TCEQ came out, sucked some of the water off.

It's still coming in. I wanna r- I wanna make this very clear, this is not a pipeline leak or a flow line cut. Despite what's been reported by Land Graph's office and

the TCEQ, this is not stemming from a pipeline leak or a flow line cut. Uh, probably what it is, there's a, uh, one or maybe several wells in that area that are poorly plugged, that have become unplugged.

Excuse me. Uh, uh, there's a well up on the bank, there's a water well up on the bank that's got oil in it. Uh, there's another oil well up on the bank that's been unplugged, undocumented orphan well. This is a serious thing, and in my discussions with people in this room, and, and I [00:49:00] also discussed this with Chairman Wright, um, he was not aware of this.

I don't know, uh, what the status is of this. Can't really get a clear answer, uh, on that, but, but y'all need to take this seriously. You know, I, I bring problems to y'all every month. I try to kind of bring unique problems and, and discuss them in a, a sane and sensible manner. And if you ignore them, then what, what good does it do?

I mean, I'm, I'm just a dumb rancher, but, but when I tell you there's a problem, there's a problem. I don't just come up here, I don't drive three hundred plus miles, waste two days of my time to come up here and tell you a- about problems that don't exist. This is a real problem. People downstream are gonna be drinking this water.

It's not good. This water has- It has all the contaminants that produced water has in it. You know, luckily you three don't live downstream of this and y'all are not gonna drink the water, [00:50:00] but, but there other, are people that are. I mean, y'all need to take this serious and, and get on this and, and really investigate it.

Thank you for your time. Thank you. Mr. Schuyler, can I ask you a question? Yeah. Uh, we adopted a new policy a couple months back here. Have you had your time limited to testify before this body at any time in history? No. Nope. Not at any time through today, is that correct? Yeah. Okay. Uh- I, I- ... you know, you're, you're a, you're a Texan, I understand that, m- most are here, some aren't.

But I, I'm gonna accuse of cursing at the last meeting. If I've done such, I apologize for cursing, but, uh, I'm, I'm much aware that when you start talking about something a- as far as my talk in East Texas, I don't apologize for, you know, colloquial speech. You know, aching, mo- moaning, bellyaching, griping, complaining, bitching is all kind of a, a verb that we use.

It's not a noun that I accused anybody of being such or [00:51:00] whatever. It's just, uh, are you kind of familiar with that type of just talking and moaning and the way we do things? It's not really an insult to anybody, it's a- Yeah, I, you know, it's like they told an old rancher that I knew, he's, he loves God, but every once in a while he curse.

Kinda, y- you know, I, that doesn't bother me, but it just... You know, I try to live my life like God wants me to live and, and, you know, cursing's something I'm guilty of from time to time. And, and, you know, I kinda look at those as kind of a slight of, you know, just- We all stumble, okay? And, uh, but I, I sort of agree with the people here.

I think I really didn't appreciate your behavior. I'm, I'm being nice about it. I appreciate that, you know, and- And I appreciate your, your willingness to be a man and stand up here and say that, [00:52:00] that that probably was wrong, so. I didn't say it was probably wrong. Well- I'm saying that, uh, i- in my world, uh, and the world that I come from, the, the term is not a curse term.

Uh, it's just a, a verb of what it is, and if anybody's offended by that, then to Ms. Palacios, I'll apologize for her being offended. But as far as the intent of that being a, a word, uh, as a curse word, I, I just, uh, I do not find it that. You know, and you talk to scripture, I think using the Lord's name in vain, and I don't think the Lord's name even were connected with that.

So, you know, just, I, I, I, I do not want to offend anybody, don't intend to. If I did, I, I sincerely ap- uh, apologize to Ms. Palacios if she was offended, but I continue to not know the exact source of that. But I do not apologize for what I said as far as I see no evidence, no dead body in, in this new policy.

Nobody including you say you've been limited. We've had more dis- public discussion, more in the last couple of meetings than any time I can [00:53:00] remember, so it seems like the policy is working. Secondly, we do have the ability of citizens from all over the state now that were not prior to two months ago able to testify at the meeting that we have open for video comments, telephone comments, Zoom comments.

Uh, it's an expansion of public commentary. And I think in, in, in, uh, in that, I don't understand how this is limiting anybody, as you have testified yourself. You've not been limited. So I, I, I'm absent of seeing what the, the complaint is as far as limiting testimony. S- and, and last, there's nothing permanent in a democracy.

I mean, we can sit here and vote today to allow half the meeting go to public comment, and there is nothing that guarantees in the next month that the next elected group of people will change it. There's no such thing as permanence in a democratic government. We can change that rule any day of the week, any moment.

So to come here and say, "Well, we think we're gonna be [00:54:00] permanently involved, that open testimony be here as much as anybody ever wants to come in and talk," uh, that's an impossibility under a democratic government Thank you, sir. I, I think at the end of the day, I think everybody in this room wants to advance things forward.

You know, we disagree on how to do that. We disagree politically, you know, and, and I, I love the open conversation I've had with Jim, and, and, uh, like to talk to you and Mr. Craddick also. But, you know, I think at the end of the day, we wanna improve oil and gas oversight. We need oil and gas, but we also need to do it right, and I think that's the goal.

So- Scott- Thank y'all for- Scott, I got a question for you on that Pecos River- Yeah, I was gonna ask about the Pecos piece. I'm concerned about that Um, is it one, one area that that water's coming from, or is it a- It's a- Different places? It's, it's hard to tell exactly where it's coming from because the thing's so big, and it's so hard to get around there in the river.

When you step down in there, you sink up to your hips, [00:55:00] and so it's very, very hard to get around. You're not seeing anything on the surface that's coming to the river. It's coming out, actually coming out of the river. Hello. The Pecos River Basin is a gravelly alluvial basin, and if you have a well over here that's been unplugged subsurface, it could be flowing into the groundwater.

And it expresses itself up in the river because that's the path of least resistance. Okay. So it's- What is the closest well to that where you've seen this? There's, there's dozens of wells within a quarter mile of there that were drilled and plugged back in the 1930s. Closest is about a quarter mile? Uh, well, they're within a quarter mile.

There, there's dozen, literally dozens of them. The commission did an investigation back in 2013, and the file on that thing is thick. I mean, the, and they investigated a number of wells. They had... There was a couple of operators that they had go in there and replug wells. And what happened [00:56:00] is, is the Pecos River flooded in 2015, and when it flooded, the river came up, and we couldn't see the seep anymore.

When the river came back down- Oh, the seep ... we never found the seep again. It was just a, the river channel, and it cut off the channel about 15, 20 feet. There was a, a small place where it was coming out of the ground and, and flowing in the river, and it was pretty small at that time. It's maybe a barrel or two barrels a day, but it's, wherever it's coming from now, it's, it's huge.

Yeah. And you said TCEQ's been out there. Can you- The- Can you tell me what they did as well? Yeah. The TCEQ, uh, set up, they built two roads down to the river in two separate locations, and they pumped water out of the river. And they pumped water from one location until the water started cleaning up the, what was kinda river quality water, so they quit pumping there.

In the other location, they pumped until they got down to the mud, [00:57:00] and they couldn't pump any more water, so they quit. They pulled out, took the frack tanks, all that away, but, but since they pulled out, the river's come back up. When they pumped that water down to the mud, the, uh, uh, water was evaporating on top, and it left salt crystals.

Now there's a three-inch crust of salt crystals on the river. They didn't tell you how, what, what salinity about was in there, or TDS was in the water they were pumping, did they? They, they sent all those samples off for testing, and I didn't... I haven't seen copies of any of those samples. But it, it was definitely produced water.

And it's, what's coming up now has an oil sheen on top of it, so. Yeah, okay. So it's very concerning and, and, uh, you know, How many wells within a quarter mile? I don't know. There's probably dozens. There, you know, back in those days, they didn't have spacing requirements. They didn't, you know, it was the Wild West back then, [00:58:00] so Yeah.

Thank you. Thanks. Thanks, Marie. Yeah. Appreciate it. All right. Item 41 is our executive session item, which we won't be going into today. Are there any other dually posted matters to be brought before the commission at this time? Hearing none, this meeting is adjourned. Oh, I'm sorry. Did, did we miss somebody?

I'm sorry? Did we miss somebody? No. Well, uh, what is your name, Adele?

That, that's fine. You didn't pre-register. I don't have you on the list. I'm sorry. Thank you very much. All right, this meeting is adjourned