

RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

SURFACE MINING AND RECLAMATION DOCKET NO. C12-0031-SC-33-L

APPEAL OF SURFACE MINING AND RECLAMATION DIVISION'S NOTICE OF VIOLATION NO. 304T ISSUED TO SABINE MINING COMPANY FOR ALLEGED VIOLATIONS OF ITS PERMIT NO. 33H, SOUTH HALLSVILLE NO. 1 MINE, HARRISON COUNTY, TEXAS

**FINAL ORDER VACATING NOTICE OF VIOLATION 304T
AND VACATING ADMINISTRATIVE PENALTY**

The Commission finds, after statutory notice, Docket No. C12-0031-SC-33-L, the Appeal by Sabine Mining Company of Notice of Violation (NOV) No. 304T, that the docketed proceedings were heard by a Commission hearings examiner who circulated a Proposal for Decision containing Findings of Fact and Conclusions of Law. Having been duly submitted to the Railroad Commission of Texas at Conference held in its offices in Austin, Texas on September 10, 2013, those Findings of Fact and Conclusions of Law are hereby adopted and made a part hereof by reference.

Each exception to the examiner's proposal for decision not expressly granted herein is overruled. All requested findings of fact and conclusions of law which are not expressly adopted herein are denied. All pending motions and requests for relief not previously granted or granted herein are denied.

THEREFORE, IT IS HEREBY ORDERED that Notice of Violation No. 304T was improperly issued for the alleged violation of §12.301(b) of the "Coal Mining Regulations" and is hereby vacated;

IT IS FURTHER ORDERED that the administrative penalty of \$250.00 assessed against Sabine Mining Company is hereby vacated;

IT IS FURTHER ORDERED that the administrative penalty amount and processing fee that have been paid into escrow shall be transferred to Sabine Mining Company and the Commission shall remit the appropriate amount to Luminant, with interest at the prevailing U.S. Department of the Treasury rate in accordance with § 12.694(c) of the Regulations and §134.176 of the Act; and

IT IS FURTHER ORDERED by the Commission that this order shall not be final and effective until 20 days after a party is notified of the Commission's order. A party is presumed to have been notified of the Commission's order three days after the date on which the notice is


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mailed. If a timely motion for rehearing is filed by any party of interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order shall be subject to further action by the Commission. Pursuant to Tex. Gov't Code §2001.146(e), the time allotted for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law, is hereby extended until 90 days from the date the parties are notified of the order.

SIGNED on the 10th day of September, 2013 in Austin, Texas.

RAILROAD COMMISSION OF TEXAS


CHAIRMAN BARRY T. SMITHERMAN


COMMISSIONER DAVID PORTER


COMMISSIONER CHRISTI CRADDICK

ATTEST:


Secretary, Railroad Commission of Texas