

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

SMRD DOCKET No. C14-0008-SC-32-F

**APPLICATION OF TEXAS WESTMORELAND COAL COMPANY FOR MULTI-PHASE
RELEASE OF RECLAMATION OBLIGATIONS FOR AN AGGREGATE 2,081.2 ACRES WITHIN
PERMIT NO. 32F , JEWETT MINE, LEON, LIMESTONE AND FREESTONE COUNTIES, TEXAS**

**ORDER APPROVING MULTI-PHASE RELEASE
OF RECLAMATION OBLIGATIONS**

Statement of the Case

Texas Westmoreland Coal Company (TWCC), applied to the Railroad Commission of Texas (Commission), Surface Mining and Reclamation Division, for Phase I, Phase II and Phase III releases of reclamation obligations for 2,081.2 acres in the aggregate within Permit No. 32F, Jewett Mine, Leon, Limestone, and Freestone Counties, Texas. The application is made pursuant to the Texas Surface Coal Mining and Reclamation Act, TEX. NAT. RES. CODE ANN. Ch. 134 (Vernon Supp. 2014), and "Coal Mining Regulations" Tex. R.R. Comm'n, 16 TEX. ADMIN. CODE Ch. 12 (West 2014).

The currently accepted reclamation performance bonds for Permit No. 32F are total \$71,000,000 for Permit No. 32F: a self-bond with third-party guarantee by NRG Energy, Inc. in the amount of \$57,500,000 and a surety bond issued by Liberty Mutual Insurance Company in the amount of \$13,500,000 accepted by Commission Order dated March 22, 2011 and June 12, 2012, respectively.

TWCC requests the following releases: Phase I reclamation obligations for backfilling, regrading, and drainage control for 171.7 acres, Phase II release for the establishment of revegetation and for sediment control for 436.8 acres and Phase III release for the extended responsibility period for revegetation and for all reclamation activities related to surface water quality and quantity and groundwater protection for this acreage, as well as Phase III release for 1,472.7 acres. No comments or requests for hearing were filed following public notice. The only parties to the proceeding are TWCC and the Commission's Surface Mining and Reclamation Division (Staff). There remain no outstanding issues between the parties. Based on information provided by TWCC, as supplemented, and its inspection of the area, the Staff recommends release of the acreage requested for Phase I and Phase II and 1,322.7 acres for Phase III.

The Commission approves the release of reclamation obligations as recommended by Staff. TWCC does

not request adjustment to the approved reclamation bonds at this time. An eligible bond reduction amount of \$1,137,786.54 may be determined.

FINDINGS OF FACT

Based on the evidence in the record the following Findings of Fact are made:

1. By letter dated September 27, 2013, Texas Westmoreland Coal Company (TWCC) filed its application for a multi-phase release of reclamation obligations in several mine areas within the permit area of the Jewett Mine, Permit No. 32F, located in portions of Leon, Limestone, and Freestone Counties. The permit area contains approximately 21,539 acres. TWCC conducted mining operations on the acreage for Phase I release of reclamation liability between 1998 and 2001.
2. The application is made pursuant to Texas Surface Coal Mining and Reclamation Act, TEX. ADMIN. CODE ANN. CH. 134 (Vernon Supp. 2014) (Act), and the Coal Mining Regulations, Tex. R.R. Comm'n, 16 TEX. ADMIN. CODE CH. 12 (West 2014). No filing fee is required. The application was properly certified in accordance with §12.312(a)(3).
3. TWCC does not request a reduction in the amount of the approved reclamation bond instruments. The existing reclamation bonds for the permit area total \$71,000,000. The currently accepted reclamation performance bonds for Permit No. 32F are a self-bond with third-party guarantee by NRG Energy, Inc. in the amount of \$57,500,000 and a surety bond issued by Liberty Mutual Insurance Company in the amount of \$13,500,000 accepted by Commission Order dated March 22, 2011 and June 12, 2012, respectively.
4. TWCC filed a letter dated January 7, 2015 stating they would not be filing a response or any comments addressing Staff's recommendations set out on the technical analysis and field inspection and stating TWCC would resubmit Parcel No. P-4, comprising of 150.0 acres for phase III release at a future date. The application was supplemented by letter dated January 3, 2014 with proof of publication of notice. Publication occurred once each week for four consecutive weeks in *The Groesbeck Journal* on November 14, 21 and 28 and December 5, 2013. Publication also occurred in the *Fairfield Recorder* on November 14, 21 and 28 and December 5, 2013. In addition, notice was published in *The Jewett Messenger* on

November 13, 20 and 27 and December 4, 2013. This publication is sufficient. The three newspapers are papers of general circulation in the area of the proposed operations. The notice of application contains all information required by the Act and Regulations for notice of application for bond release applications. TWCC submitted affidavits of publication with clippings. The published notice is adequate notification of the request for release. The notice includes the elements required by §134.129 of the Act and §12.312(a)(2) of the Regulations: the name of the permittee, the precise location of the land affected, the total number of acres, permit number at the time of application and date approved, the amount of bond filed, the type and appropriate dates reclamation work was performed, and a description of the results achieved as they relate to the approved reclamation plan. The notice contains information concerning the applicant, the location and boundaries of the permit area, the availability of the application for inspection and address to which comments should be sent.

5. Copies of the application were filed for public review at the main office of the Railroad Commission of Texas at 1701 North Congress Avenue, William B. Travis Building, Austin, Texas and in the offices of the Leon, Limestone, and Freestone County Clerks.
6. TWCC sent notice to owners of interests in the areas requested for release and adjacent lands and to local governmental bodies, planning agencies, sewage and water treatment authorities and water companies in the locality as required by §12.312(a)(2). TWCC mailed notice to the County Judges and Commissioners' Courts of Freestone, Leon, and Limestone Counties, the Environmental Protection Agency, the Texas Commission on Environmental Quality, the Texas Department of Transportation, local offices of the Natural Resources Conservation Service in Centerville, Groesbeck, and Fairfield, Texas, Texas General Land Office, Donie Water Works, Concord-Robbins Water System, and the Brazos River Authority. The areas requested for release are not located within the territorial boundaries of any municipality. The Hearings Division received copies of the notification letters dated November 8, 2013 by letter dated January 3, 2014.
7. The application was declared administratively complete by Staff's letter dated January 8, 2014 with a notification that the Staff's technical analysis would be filed separately. The technical analysis (TA) was filed with the Hearings Division on December 30, 2014.

8. The Staff provided notification of the application by certified letters dated May 1, 2014 to the County Judges of Leon, Limestone, and Freestone Counties as required by §134.133 of the Act; these dates are at least 31 days prior to the date of consideration of the docket by the Commission. Pursuant to §12.312(b) of the Regulations, Staff notified owners of interests in lands and lessees of the application for release of the date and time of Staff's field inspection by letters dated October 18, 2013. The notification stated that a release had been requested and, pursuant to §12.312(b)(1), advised them of the opportunity to participate in the on-site inspection on November 18, 2013. The Division also sent notice to the Office of Surface Mining Reclamation and Enforcement (OSM) (Tulsa, Oklahoma office), however, no OSM representative attended. Ten landowners/owners of other interests, two Commission inspectors, six mine personnel, and one consultant attended the inspection. No concerns were expressed by landowners at the inspection. No adverse comments or written objections were filed regarding the request for release. No requests for hearing were filed pursuant to §12.313(d).
9. The inspection occurred on November 18 and 19, 2013. The areas proposed for release are detailed in Staff's Technical Analysis (TA) and Field Inspection Report (Attachment III to Staff's TA) filed with the Hearings Division by letter dated December 30, 2014. Figures and photographs of the proposed release areas and structures in the Staff Inspection Report and Evaluation, as amended, provide depictions of the areas included in the application and the specific releases proposed. Photographs from the inspection are included in Appendix IV of the Inspection Report and provide support for the application and the inspection report.
10. The application included ownership and tract information for owners of interests in the areas proposed for release. There are approximately 58 tracts within the areas requested for release. NRG Texas Power LLC owns the surface and coal on 30 tracts and the surface of five tracts. TWCC owns the surface and/or coal on five tracts. Approximately 100 individuals, trusts, or businesses own various interests in the remaining tracts and adjoining tracts, including the Department of Transportation and Leon County.
11. Land uses within the areas recommended for release are pastureland (98.1%; 2,041.6 acres) and developed water resources (1.9%; 39.6 acres).
12. Parcel P-22, as labeled on Staff's Map 4 is requested for Phase I release. The areas comprise 171.7 acres.

The Phase I release areas and structures located within these areas are shown on Figure 1 of the Photograph Location Maps included in Appendix IV of Attachment III (Staff's inspection report). These areas have met Phase I requirements for backfilling, regrading and drainage control as required by §12.313(a)(1) of the Regulations.

- (a). The lands requested for Phase I release are stable with no active erosion evident. Backfilling, regrading, and drainage control have been accomplished on these areas and vegetation has been planted. Vegetation has stabilized the areas around the approved permanent impoundment, RP-D7. There are no diversions, drop structures or permanent roads located within these areas requested for Phase I release. The areas requested for Phase I release drain to approved Sedimentation Ponds, 026 and 030.
- (b). Final grading occurred between 1999 and 2003. All highwalls were eliminated, and the areas were regraded to approximate original contour. Suitable materials have been placed on areas surrounding the pond so that non-acid-forming and non-toxic-forming substitute materials were placed to a depth of at least four feet over regraded soil. No cut-and-fill terraces have been constructed (§12.385).
- (c). Soil testing was completed on the areas requested for release with the exception of the developed water resources. The soil grids, sample dates, and approval dates are listed in Section 6 of the application and Appendix V of the Inspection Report. The soil data reflect that the areas are free of acid-forming and toxic-forming materials. No prime farmland, for which specific reclamation requirements apply, is located within the areas requested for release.
- (d). The areas requested for Phase I release are made up of 170.4 acres of pastureland and 1.3 acres of developed water resources. The areas are depicted on Application Exhibit 142-LU and Staff Map 4.
- (e). No roads or other structures are located within the areas requested for Phase I release. Ground cover surrounding the ponds is sufficient to control erosion.

- (f). Surface water runoff from all areas proposed for Phase I release of reclamation obligations flows through Sedimentation Ponds 026 and 030. There are no final discharge structures located within the Phase I area. (§12.344)
 - (g). No areas are approved for the disposal of non-coal waste within the area proposed for Phase I bond release. (§12.375)
13. The acreage requested for Phase II release was approved for Phase I release from reclamation obligations by Commission Order dated August 12, 2014. The land uses within the area requested for Phase II release are pastureland and developed water resources. The 436.8 acres requested for Phase II release have met Phase II requirements for revegetation and for quality of discharges from the area requested for Phase II release.
- (a). Ponds RP-A8 and RP-A9 (2.6 acres of the 436.8 acres), located within the area requested for Phase II release have been approved as permanent impoundments. The remaining area within the Phase II release area is pastureland (Application Exhibit 142-LU, Sheet 1 and Staff Map 1 and 4).
 - (b). Surface water monitoring has been conducted in accordance with the requirements of the permit. Phase II sediment control requirements are being met for the area as required by §12.313(a)(2) of the Regulations based upon monitoring of Pond 023 receiving drainage from the A-Area and Ponds 029 and 031 in the D-Area. The areas requested for Phase II release are not contributing excess suspended solids to runoff or streamflow outside the permit area in excess of water quality permit requirements or in concentrations that would adversely affect streamflow outside the permit area [See Finding of Fact No. 14(d)].
 - (c). Of the 436.8 acres proposed for Phase II release from reclamation liability, 434.2 acres have a post mine land use of pastureland and are included in two (2) land management units (LMU's). The two LMU's were designated EE1-13P located in the E-Mining Area and A1-13P located in the A-Mining Area. The LMU's was accepted into the Extended Responsibility Period (ERP) on March 26, 2013. The proposed Phase II area has met ground cover evaluation requirements based

on data collected in the 2013 growing season and submitted by letter from TWCC on August 12, 2013 and approved by staff on October 15, 2013. Cover standards for pastureland were calculated using 90% cover for bunch grasses and 95% for sod grasses, TWCC sampling for each of the LMU's showed the species exceeded the lowest acceptable standard required. The vegetation within the pastureland area is healthy and self-sustaining (§§12.390 - 12.395). The acreage requested for release from Phase II revegetation requirements with a postmine land use of pastureland has met requirements for establishing revegetation. The Commission determined that vegetation met the ground cover requirements contained in its permit for compliance with §12.395(a)(2) and (b)(1) for the applicable success standards approved by the Commission for the permit.

- (d). The land has been reclaimed and managed in accordance with the approved postmine land uses (§§12.147 and 12.399).
- (e). No portions of the area proposed for Phase II release of reclamation obligations were classified as prime farmland for which additional requirements apply.
- (f). Five structures (two ponds, RP-A8 and RP-A9 and three drop structures, DS-E6, A-7 C.G.R.R. and A-8 C.G.R.R.) located within the area requested for Phase II release have been approved as permanent and reflected on Exhibit 142-PS to the application.

14. TWCC also requests Phase III release for 1,472.7 additional acres consisting of pastureland (1,437.0 acres) and developed water resources (35.7 acres). The Commission approved Phase II releases of reclamation obligations for the 1,472.7 acres by Orders dated February 22, 2011 and February 26, 2013, respectively. Staff did not recommend the Phase III release of 150.0 acres of pastureland. The 150.0 acres are located in Parcel No. P-4. The acreage contained an unapproved structure termed by TWCC as Small Depression B1-08-DP3. The remaining acreage consisting of 1,322.7 acres, has met Phase III requirements for completion of the ERP and for groundwater and surface water quality.

- (a). Ground cover and productivity standards have been met for the 1,437.0 acres of pastureland requested for Phase III release [Finding of Fact No. 13(c)]. The 1,472.7 acres requested Phase III

release received Phase II release from reclamation obligations by Commission Orders dated February 22, 2011 and February 26, 2013 (Docket Nos. C10-0002-SC-32-F and C12-0004-SC-32-F, respectively). The 1,437.0 acres are included in five (5) LMU's, designated D1-08P, D1-08NP, C1-08P, C1-08NP, and B1-08NP. All five of the LMU's were accepted onto the ERP on September 10, 2008. Ground cover and productivity data for the 2009, 2010, and 2011 growing seasons were submitted, and by letter dated November 6, 2009, July 8, 2011 and August 30, 2012, the data was approved by Staff. Ground cover was between 90.7 – 99%. The 1472.0 acres has completed the extended responsibility period of five years required by §12.313(a)(3). The pastureland areas have been reclaimed and managed in accordance with the approved postmine land uses (§§12.147 and 12.399).

- (b). The following structures are located in the areas requested for Phase III release; Ponds: RP-B1 RP-C4; RP-C6; RP-C7; RP-C8, RP-C13; RP-D1, and RP-D2. There are no permanent roads located within the Phase III release area (§12.400(f)). These structures are stable and no maintenance or rehabilitation is required. One small-area depression is located in the area requested for release, D1-07-DP-1, approved August 7, 2012 as meeting the requirements of §12.385(c) and the standards included in Advisory Notice EN-PS-385(c).
- (c). Staff inspection noted no issues with erosion in the areas requested for Phase III release. The Staff Inspection Report and photographs contained in Appendix IV to the Inspection Report reflect areas that are stable with no erosion evident.
- (d). Surface water monitoring of streams and ponds receiving drainage from the 438.8 acres proposed for Phase II release and the 1,472.7 acres for the proposed Phase III release (1,909.5 cumulative acres) has been conducted in accordance with the requirements of the permit. Based upon TWCC's hydrology consultant's report and review by Staff, the area is not contributing suspended solids to runoff in excess of the requirements of the Texas Commission on Environmental Quality's (TCEQ) Texas Pollutant Discharge Elimination System (TPDES) discharge Permit No. 2653, nor to streamflow outside the permit area based upon water quality data submitted for final discharge ponds, permanent impoundments, and stream monitoring stations receiving drainage from the area [subparagraph (f), *infra*]. There are discharges from the

final discharge from the four ponds (023, 029, 030, and 031) receiving runoff from the area requested for Phase II release. These final discharge ponds have varying periods of record, data was provided for pH, total suspended solids (TSS), total iron (Fe), and total manganese (Mn). Runoff from the proposed Phase II release areas exceeded effluent limitations in one sampling event for TSS. Staff believed the sampling event to be an anomaly that has not occurred again and the average values meet the effluent limitations set out in TCEQ/Texas Pollutant Discharge Elimination (TPDES) Permit 02653. The highest average values as compared to the range or allowable daily average and allowable daily maximum for each parameter are: pH, 7.5 standard units (s.u.) as compared to the range 6.0-9.0 s.u.; TSS, average 15.0 mg/L, compared to allowable daily average of 35 mg/L and allowable daily maximum of 70 mg/L; Fe, average 0.9 mg/L, as compared to an allowable daily maximum of 6.0 mg/L; and Mn, average 0.1 mg/L, as compared to an allowable daily maximum of 2.0 mg/L. Based on analyses of available discharge data, Staff found TWCC demonstrated that the proposed Phase II release areas are not contributing suspended solids to stream flow runoff outside of the permit area in excess of the performance [§12.313(a)(2)].

- (e). Groundwater has been protected in accordance with §12.348 for the areas requested for Phase III release. TWCC submitted information for the overburden, spoil and underburden aquifers within and adjacent to the mine. Long-term monitoring data reviewed by Staff on a quarterly basis for the overburden and underburden hydrologic units in areas within the mine do not indicate that any significant impacts have occurred to water quantity and quality.
 - (1). Based on the hydrology report and Staff review, the premine overburden water-bearing strata of the Carrizo aquifer in the reclaimed area have been destroyed; premine, however, they contained minor aquifers. The underburden aquifers are separated from the mined areas by clays of five feet or more in thickness. Below these underclays are shallow water-bearing underburden units that are thin silty sand lenses, and clays, and lignite stringers. The shallowest significant aquifer is located in the lower Calvert Bluff and Simsboro Formations (interval S70).
 - (2). The application also includes TWCC's groundwater assessment that includes a summary

review of quarterly groundwater monitoring data for water level and groundwater chemistry. Staff review indicates that data from several long-term spoil groundwater monitoring (LTGM) wells within and adjacent to the areas requested for Phase III release show measurable increases in water table elevation since mining as well as stabilizing levels with only slight rises and falls in water levels that can be attributed to seasonal changes (as illustrated on figures contained in Appendix B of the application). Monitored wells in the adjacent overburden and interburden experienced a period of water-level drawdown. All the monitored intervals show water-level recovery and no permanent adverse water quality or water level effects due to surface mining activities.

- (3). Reclaimed spoil area water quality appears to have followed trends expected based on predictions in the Probable Hydrologic Consequences (PHC) determination for this mine and Staff's Cumulative Hydrologic Impact Assessment (CHIA). Based on five Area A spoil monitoring wells, TDS concentrations are decreasing with an average TDS concentration of 1,670 mg/L. TDS concentrations in water in Area B spoil TDS concentrations continue to increase as expected and currently exhibit a median TDS concentration of 3,665 mg/L. Area C TDS concentration in the spoil have an average of 352 mg/L and Area D TDS concentration in the spoil have an average of 852. TDS concentrations in the A and B Areas reflect higher median TDS concentrations than in Areas C and D. Adjacent downgradient Carrizo overburden wells do not appear to have been affected by mining. Overburden monitoring wells in the Calvert Bluff S40 and S50 hydrogeologic intervals exhibit low TDS concentrations and no changes are apparent in sulfate or chloride concentrations. Underburden wells have not been adversely affected by mining.
- (4). As documented in Commission inspection records, all cased boreholes have been plugged in accordance with Commission guidelines except for those wells still being used for monitoring and reporting purposes.

- (f). TWCC has conducted surface mining activities in accordance with §12.313(a)(3) and §12.349 to protect surface water quality and quantity for the areas requested for Phase III release. The

southwestern portion of the permit (Areas A, B and C) drains to Lake Limestone and the Navasota River and thence to the Brazos River. The northeastern portion of the permit (Areas D and DX) drains to Buffalo Creek, thence to Segment 0804 of the Trinity River. Staff has reviewed data provided by TWCC from upstream long-term monitoring stations for the period of record to downstream long-term stream monitoring stations for a similar period of record and compared pH values and flow-weighted TDS concentrations to stream segment standards for Segment 1252 of the Navasota River and for Segment 1804 of the Trinity River. The average annual maximum pH for each downstream long-term monitoring station for the period of record was within the 6.5-9.0 standard units required. In addition, the flow-weighted average TDS concentrations for the downstream stations for the periods of record were only slightly in excess or were below the maximum 600 mg/L requirement for Segment 0804 of the Trinity River and the maximum 300 mg/L requirement for Segment 1252 of the Navasota River. The application, as supplemented, and Staff review in it TA as supplemented, demonstrate that there have been no deleterious effects on the surface water hydrological balance.

- (g). Staff prepared cumulative hydrologic impact assessments (CHIAs) for the Turlington Mine in its TA Addendum No. 4 dated May 14, 2010 and for the Kosse Mine in TA Addendum No. 2 dated December 16, 2011 that each included an assessment of the cumulative effects of all anticipated mining in the portions of the Navasota River Basin and the Trinity River Basin affecting the areas proposed for release. Potential increases in TDS in receiving streams were expected to be minimal and still below the maximum annual average applicable to the stream segments examined for the Trinity River and for downstream of the confluence of Steele Creek and the Navasota River. Impacts on water quantities were determined to be insignificant.

- 15. The reclamation cost estimate for the currently accepted bond is based on the "worst-case" pit method of calculation that assumes that reclamation is contemporaneous. For this method, estimated costs are generally not based on a per-acre cost. The cost estimate is based on the worst-case pit and reclamation of all temporary structures. Soil preparation, revegetation, and maintenance costs, however, are retained on a per-acre basis should revegetation fail and have to be repeated. The only costs attributable to the areas requested for release that are applicable for inclusion in a calculation of eligible bond reduction are the costs for soil preparation, revegetation, and maintenance (\$782/acre) attributable to the area requested for

Phase III release requiring soil preparation, revegetation, and maintenance of the 1,322.7 acres made up of the areas requested for Phase III release. The eligible bond reduction amount, based upon the Findings of Fact contained in this Order, is \$782 per acre, x 1,322.7 acres, or \$1,034,351.4, plus 10% for administrative costs (\$103,435.14), totaling \$1,137,786.54.

16. TWCC has not requested an adjustment to the approved bonds at this time. No replacement bond instrument has been filed.
17. All acres requested for release were marked in the field to distinguish them from active mining and reclamation areas.
18. Open meeting notice has been posted for consideration of this application.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the following Conclusions of Law are made:

1. Proper notice was provided for this request for release of reclamation obligations.
2. A public hearing on the request is not warranted.
3. TWCC has complied with all applicable provisions of the Act and the Regulations for release of reclamation obligations for the areas requested for release as set out in the Findings of Fact.
4. The Commission may approve the following release of reclamation obligations: Phase I release of reclamation obligations for 171.7; acres, Phase II releases of reclamation obligations for 436.8 acres; and Phase III releases of reclamation obligations for 1,322.7 acres.
5. The areas approved for release of Phase III reclamation obligations are eligible for a bond reduction amount for obligations for soil preparation, revegetation, and maintenance, plus administrative costs in the

amount of \$1,137,786.54.

IT IS THEREFORE ORDERED BY THE RAILROAD COMMISSION OF TEXAS that the above Findings of Fact and Conclusions of Law are adopted;

IT IS FURTHER ORDERED that a release of Phase I reclamation obligations for 171.7 acres is hereby approved;

IT IS FURTHER ORDERED that a release of Phase II reclamation obligations for 436.8 acres is hereby approved;

IT IS FURTHER ORDERED that a release of Phase III reclamation obligations for 1,322.7 acres is hereby approved;

IT IS FURTHER ORDERED that all areas released from reclamation obligations shall remain clearly marked in the field with permanent boundary markers maintained to distinguish these areas at all corners and angle points from active mining and reclamation areas in accordance with this ORDER;

IT IS FURTHER ORDERED that the Commission approves an eligible bond reduction amount for the Phase III releases in the amount of \$1,137,786.54;

IT IS FURTHER ORDERED that the current bonds remain in effect according to their terms until replacement bonding is approved by the Commission;

IT IS FURTHER ORDERED that the Commission may vary the total amount of bond required from time to time as affected land acreage is increased or decreased or where the cost of reclamation changes; 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 mailed. If a timely motion for rehearing is

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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 Commission action. 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 this 28th day of April, 2015.

RAILROAD COMMISSION OF TEXAS



CHAIRMAN CHRISTI CRADDICK



COMMISSIONER DAVID PORTER



COMMISSIONER RYAN SITTON

ATTEST:



Secretary, Railroad Commission of Texas

