

CHRISTI CRADDICK, CHAIRMAN
RYAN SITTON, COMMISSIONER
WAYNE CHRISTIAN, COMMISSIONER



RANDALL D. COLLINS, DIRECTOR

RAILROAD COMMISSION OF TEXAS

HEARINGS DIVISION

August 22, 2018

Re: **Damage Prevention Docket No. 51705:** Enforcement Action Against LDC, LLC for Violation of Commission Rule for Underground Pipeline Damage Prevention at 0 Houston (State Hwy 105), Montgomery, Montgomery County, Texas. **Final Order**

To the Parties:

The Railroad Commission of Texas has acted upon the above-referenced case. Please refer to the attached Final Order for the terms and date of such action. The Final Order will not be final and effective until at least 25 days after the Commission's order is signed. If a Motion for Rehearing is timely filed, the Final Order will not be final and effective until such Motion is overruled. A Motion for Rehearing should state the reasons you believe a rehearing should be granted, including any errors that you believe exist in the Commission's Final Order. If the Motion is granted, the Final Order will be set aside and the case will be subject to further action by the Commission at that time or at a later date.

To be timely, a Motion for Rehearing must be received by the Commission's Docket Services (see letterhead address) no later than 5:00 p.m. on the 25th day after the date the decision or order that is the subject of the motion was signed. **Fax or Email transmissions will not be accepted without prior approval from the Administrative Law Judge ("ALJ"). ORIGINAL PLUS TEN** copies of the Motion for Rehearing shall be submitted to the ALJ. **PLEASE DO NOT STAPLE COPIES.** In addition, if practical, parties are requested to provide the ALJ with a copy of the Motion for Rehearing in digital format. The digital format should be labeled with the docket number, the title of the document, and the format of the document.

Every pleading, plea, motion, or request filed with the Hearings Division must be served on all other parties in person, by mail or courier, by fax, by e-mail with consent from the ALJ or the Hearings Division Director, or in another manner directed by the ALJ or the Hearings Division Director. Proof of such service must be evidenced by a certificate of service signed by a party or the party's attorney of record, or signed and verified if the service is made by any other person, and attached to the document filed with the Hearings Division.

Every pleading, plea, motion, or request filed with the Hearings Division shall conform to the requirements of 16 Tex. Admin. Code § 1.32. A pleading, plea, motion, or request filed with the Hearings Division which does not conform to the requirements set forth herein will not be accepted for filing by the Hearings Division.

Contact for Additional Information - In accordance with Tex. Gov't Code § 2001.061 and 16 Tex. Admin. Code § 1.7, ex parte communications with the Administrative Law Judges, Examiners, and Commissioners are prohibited. Any persons or entities desiring additional information may contact the Commission by writing to the Director, Hearings Division, Railroad Commission of Texas, 1701 North Congress Avenue, P. O. Box 12967, Capitol Station, Austin, Texas 78711-2967. Any persons or entities having clerical questions, such as questions regarding the number of copies of filings, the service list or reviewing the record, may contact **David Cornett at (512) 463-1290.**

cc: Service List

Service List

Damage Prevention Docket No. 51705: Enforcement Action Against LDC, LLC for Violation of Commission Rule for Underground Pipeline Damage Prevention at 0 Houston (State Hwy 105), Montgomery, Montgomery County, Texas.

Via First-Class Mail:

Michael Swaim
LDC, LLC
19926 Keenan Cut Off Road
Montgomery, TX 77316
mike.t.swaim@gmail.com

Via Email

Larry Corley
lcorley@ldcgas.com
Andy Gillen
agillen@ldcgas.com
Hailey Wolf, RRC, Austin
Ed Wallen, RRC, Austin
Jamie Renard, RRC, Austin
Docket Services, RRC, Austin



David Cornett, Hearings Division
Railroad Commission of Texas

Rule §1.7 Ex Parte Communications

- (a) *Ex parte communications are prohibited in contested cases as provided in the APA and other applicable rules including the Texas Disciplinary Rules of Professional Conduct.*
- (b) *Each party shall provide all other parties with a copy of all documents submitted to an examiner.*
 - (1) *The attachment of a certificate of service stating that a document was served on a party creates a rebuttable presumption that the named party was provided a copy.*
 - (2) *Failure to provide a copy to all other parties may result in rejection and return of the document without consideration.*

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

DAMAGE PREVENTION DOCKET NO. 51705

ENFORCEMENT ACTION AGAINST LDC, LLC FOR VIOLATION OF COMMISSION RULE FOR UNDERGROUND PIPELINE DAMAGE PREVENTION AT 0 HOUSTON (STATE HWY 105), MONTGOMERY, MONTGOMERY COUNTY, TX, RESULTING IN DAMAGE TO AN INTRASTATE UNDERGROUND PIPELINE ON MARCH 21, 2017

FINAL ORDER

The Commission finds that after statutory notice the captioned proceedings were heard by an Administrative Law Judge on May 11, 2018. The Administrative Law Judge has 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, the Findings of Fact and Conclusions of Law are hereby adopted and made a part hereof by reference.

IT IS HEREBY ORDERED that not later than the thirtieth day following the date on which this order becomes final under law LDC, LLC shall pay to the Railroad Commission of Texas an administrative penalty in the amount of \$2,500.00.

It is further **ORDERED** by the Commission that this order shall not be final and effective until 25 days after the Commission's order is signed, unless the time for filing a motion for rehearing has been extended under TEX. GOV'T CODE § 2001.142, by agreement under TEX. GOV'T CODE § 2001.147, or by written Commission Order issued pursuant to TEX. GOV'T CODE § 2001.146(e). If a timely motion for rehearing of an application is filed by any party at 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 100 days from the date Commission Order is signed.

Each exception to the Administrative Law Judge'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.

Noncompliance with the provisions of this order is subject to enforcement by the Attorney General and subject to civil penalties of up to \$200,000 per day per violation, not to exceed \$2 million.

ENTERED in Austin, Texas on this 21st day of August 2018

RAILROAD COMMISSION OF TEXAS

Christi Craddick

CHAIRMAN CHRISTI CRADDICK

Ryan Sitton

COMMISSIONER RYAN SITTON

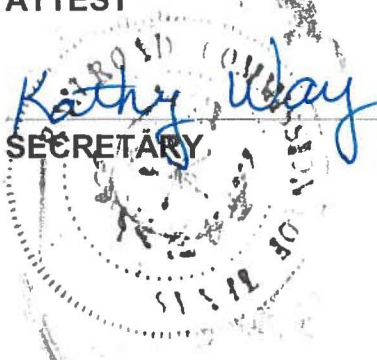
Wayne Christian

COMMISSIONER WAYNE CHRISTIAN

ATTEST

Kathy Way

SECRETARY

The seal of the Railroad Commission of Texas is circular with a dotted border. Inside the border, the words "RAILROAD COMMISSION OF TEXAS" are written in a circular path. The word "SECRETARY" is printed at the bottom of the seal.