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*Via email to rulescoordinator@rrc.texas.gov*

November 20, 2026

Railroad Commission of Texas
Office of General Counsel
Rules Coordinator
P.O. Box 12967
Austin, TX 78711

**Re: Comments to Proposed Amendments to 16 Texas Administrative Code §§3.15 and 3.58 - Implementation of Senate Bill 1150 (89R)**

Dear Railroad Commission Rules Coordinator:

Thank you for the opportunity to provide public comments to the Railroad Commission of Texas (RRC or Commission) in my capacity as state representative for House District 72 and as chairman of the House Committee on Energy Resources, which has jurisdiction over the Commission.

As a legislator, my job is to write, deliberate, and vote on laws that impact Texas. As regulators, your job is to promulgate rules that carry out both the letter and intent of those laws. For that reason, I will not propose specific rule text for 16 Texas Administrative Code §§3.15 and 3.58, and will leave the drafting to the Commission, agency staff, and stakeholders. Instead, as a Joint Sponsor of Senate Bill 1150 (89R) and chairman of the House Committee that reported the bill, I write to set out the principles I believe the Commission's rules should reflect.

*Commission rules should adhere closely to the text of the statute.*

The purpose of SB 1150 is to significantly reduce the state's inactive well count and prevent additional orphaned wells. The purpose is not, as some may believe, to codify a process to be used to prolong inactive wells indefinitely. To that end, I request that Commission rules start with the premise that an inactive well described by §89.023(b)(1), Natural Resources Code, that is, a well inactive for more than 15 years and completed more than 25 years before the date the operator submits a request for an extension (15/25 well), must be plugged, unless the Commission grants an extension pursuant to §89.023(c).

Section 89.023(f), Natural Resources Code, identifies eight criteria that the Commission shall consider when determining whether to approve a compliance plan. I request that the Commission's rules expressly incorporate and give meaningful effect to each of these mandatory considerations, including the age and length of inactivity of the wells, the operator's compliance history, financial assurance, potential hazards to public health and safety or the environment, and demonstrated good faith. Additional considerations should be consistent with, and should not displace, the criteria expressly established by the Legislature. Further, the plain language of the

statute permits the Commission discretion in approving extensions to the deadline for a 15/25 well. To illustrate, the first portion of §89.023(c), Natural Resources Code, reads as follows:

*"The commission **may** grant an extension of the deadline for plugging an inactive well described by Subsection (b)(1) if..."*

The Legislature's use of "may" in §89.023(c) preserves the Commission's discretion in determining whether an extension should be granted, regardless of any submission by an operator requesting an extension. This discretion is an important component of the Legislature's objective of reducing long-term inactive wells and preventing new orphaned wells. That discretion should be exercised consistently with the distinct statutory requirements applicable to operator history, financial hardship, approved compliance plans, and individual performance bonds. The Commission's rules should preserve its authority to deny extensions where supported by the statutory criteria, the administrative record, and applicable law, rather than treating submission of qualifying documents as automatically dispositive in every case.

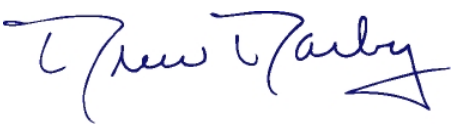
No rules adopted by the Commission should improperly restrict its statutory authority to deny an extension for a 15/25 well when the applicable statutory requirements, relevant evidence, and circumstances of the particular well establish that an extension is not warranted. I strongly support retaining the denial authority in proposed §3.15(i)(2) and request that the Commission ensure its rules preserve meaningful discretion to deny extensions when warranted by applicable statutory considerations, the administrative record, and the conditions of the particular well.

Again, the Legislature intended SB 1150 to produce substantial reductions in the number of long-term inactive wells while providing defined statutory pathways for extensions in appropriate situations. The Legislature authorized approved compliance plans extending through September 1, 2042, and individual performance bonds covering at least the full calculated plugging cost and remaining in effect for the lifetime of the well, regardless of a change in operator. The Commission's rules should give effect to these alternatives while ensuring that extensions are administered consistently with statutory requirements, public safety, environmental protection, and the goal of reducing the state's inactive well count.

Lastly, Section 4 of SB 1150 requires the Commission to adopt rules by December 31, 2026, and provides that those rules take effect September 1, 2027. The Legislature did not provide an exception to the adoption deadline, and I specifically request that the Commission meet it. The time between adoption and the effective date exists so that operators can prepare compliance plans, financial hardship attestations, and bonds, and so that agency staff can prepare to review them. Any delay in adoption shortens that window for everyone and works against the orderly implementation the Legislature intended.

Thank you for your diligence on this important issue. If you have any additional questions or comments, please do not hesitate to contact my office.

Sincerely,



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