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M. B.  
Diana Cordero  
COUNTY CLERK  
VICTORIA COUNTY, TEXAS

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-23-00012990 § APPLICATION OF FRIO RESOURCES, LLC  
Tracking No. 56136 § (OPERATOR NO. 286622) PURSUANT TO STATEWIDE  
§ RULE 46 FOR A NEW PERMIT TO INJECT FLUIDS  
§ INTO A RESERVOIR PRODUCTIVE OF OIL OR GAS  
May 15, 2023 § FOR THE KEERAN -A- (02249) LEASE, WELL NO. 39,  
§ KOONTZ (4750) FIELD, VICTORIA COUNTY, TEXAS;  
§ DISTRICT 02

## NOTICE OF PREHEARING CONFERENCE

**Date, Location, and Place of Prehearing Conference** - Notice is hereby given that a public prehearing conference will be held at **9:00 a.m. on Tuesday, May 30, 2023**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the hearing is not concluded on the day it commences, it will be continued from day to day until concluded. **Notice is hereby given that a public hearing on the merits, if necessary, will be held at a time and date to be confirmed at the prehearing conference.**

**If you are planning to attend the prehearing conference, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-and-activities/visiting-the-railroad-commission/>**

**Purpose of Prehearing Conference** - The purpose of the prehearing conference is to consider all issues of fact and law referenced in attached Appendix A.

**Purpose of Hearing on the Merits** - The purpose of the hearing on the merits is to allow the parties to present evidence and to consider all issues of fact and law referenced in attached Appendix B.

**Failure to Appear** - **All parties, protestants or persons intending to participate at the hearing must attend the prehearing conference.** Failure to appear at any prehearing conference or the hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Prehearing Conference** - All persons or parties supporting, opposing or protesting this Application and intending to participate in the prehearing conference or hearing must complete and file with Docket Services the enclosed Notice of Intent to Appear at Hearing Protest form at least **five business days** prior to the prehearing conference date in this Notice of Prehearing Conference. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the form should be served on the Applicant and any other parties of record. 16 Tex. Admin. Code § 1.45(a)(1).

**Legal Authority and Jurisdiction** - The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved** - The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Tex. Water Code chapters 26, 27 and 29;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3; and
- Statutes and rules referenced in Appendix A and B of this Notice of Prehearing, if any.

**Continuance of Prehearing Conference** - Any request for continuance of this prehearing conference or hearing must be filed in Docket Services **no later than five business days prior to the hearing date**. 16 Tex. Admin. Code § 1.105(a)(2). Copies of such request must be served to all parties shown on the service list. 16 Tex. Admin. Code § 1.45(a)(1).

**Ex parte Communications Prohibited** - Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing** - **If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing. Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases.** See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Hearing Exhibits** - All exhibits must be clearly marked and submitted in duplicate. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the hearing.

**Auxiliary Aids or Services for Persons with a Disability** - Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the prehearing conference or hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TTY/TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations** - All requests for setting up a presentation need to be made in writing no less than three business days prior to the hearing date. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List** - The Applicant shall review this Notice of Hearing and the Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

## APPENDIX A

**Purpose of Prehearing Conference-**The purpose of the prehearing conference is to address matters preliminary to the hearing on the merits, including hearing any outstanding motions, establishing a hearing date and procedural schedule, and addressing other preliminary matters as determined by the examiners. Non-exclusive examples of motions that might be considered include motions to dismiss, motions regarding jurisdiction, motions regarding a party's standing and/or motions related to discovery. Evidence may be taken into the record in support of or in response to any matter considered at the prehearing conference. **All motions to be considered must be filed and served on all parties at least ten days before the prehearing conference.**

## APPENDIX B

**Purpose of Hearing on the Merits-** The purpose of this hearing is to consider the application of Frio Resources, LLC (Operator No. 286622) for a permit to dispose of oil and gas waste by injection for the Keeran -A- (02249) Lease, Well No. 39, Koontz (4750) Field, Victoria County, Texas, pursuant to 16 Tex. Admin. Code § 3.46 (Statewide Rule 46). If granted, the permit will allow injection into a porous formation productive of oil or gas. The proposed location is approximately 8 miles northeast of Placedo, Texas. The application seeks authority to inject a maximum volume of 20,000 barrels per day of salt water into the subsurface depth interval from 4,760 to 4,870 feet within the Frio formation.

Documents filed in a case, including a copy of the application file if applicable, are viewable in the RRC Cases online portal. To access the portal, go to <https://www.rrc.texas.gov/hearings/rrc-cases/>, click on "Find a Case" and enter the docket number in the search box in the upper right-hand corner of the screen that appears.

If you have questions regarding this Application, please contact the Applicant's representative, Paul Tough and Jessica Mendoza, at (512) 327-8111. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the hearing process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "Legal" (right side of page) and follow the path: Current Rules, Tex. Admin. Code, Chapter 3, Rule Number.

It is required that the enclosed Notice of Intent to Appear (or a copy thereof) be filed by each party for this case not later than five business days prior to the hearing. Failure to do so by the applicant or complainant **may lead to the prehearing conference being canceled**. In protested matters, failure by a protestant to timely file a Notice of Intent to Appear **may result in dismissal of the protest**. All Persons intending to observe or participate in this matter are strongly encouraged to file the enclosed Consent to Electronic Service and Notification together with the Notice of Intent to Appear.

**Check the Weekly Hearing Schedule on the Commission website at:**  
<http://www.rrc.texas.gov/hearings/hearing-schedules/> **the day prior to the hearing to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Prehearing Conference in Oil and Gas Docket No. **OG-23-00012990** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

FRIO RESOURCES, LLC  
ATTN MAX ROEDER  
950 ECHO LN SUITE 355  
HOUSTON TX 77024

NATHAN STURGIS  
DAYLIGHT PETROLEUM  
1221 MCKINNEY ST STE 2880  
HOUSTON TX 77010

CALUDE KOONTZ  
KOONTZ CHILDRENS TRUST ET A L.  
PO BOX 235  
PLACEDO TX 77977

VICTORIA COUNTY CLERK  
HEIDI EASLEY  
115 N. BRIDGE ST RM 103  
VICTORIA TX 77901

PAUL TOUGH AND JESSICA MENDOZA  
FOR FRIO RESOURCES, LLC  
PO BOX 12127  
AUSTIN TX 78711

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
*Via Intra-Agency Email*

DAVID KING  
MANAGER  
DRILLING PERMITS  
RRC - AUSTIN  
*Via Intra-Agency Email*

SHARON FRISCHEN  
MANAGER  
WELL COMPLIANCE  
RRC - AUSTIN  
*Via Intra-Agency Email*

ALEX BORELL  
ENGINEERING SPECIALIST II  
FIELD OPERATIONS  
RRC - AUSTIN  
*Via Intra-Agency Email*

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL PERMITTING  
RRC - AUSTIN  
*Via Intra-Agency Email*

On this the **15th** day of **May**, 2023.

**Melissa Stovall**

Docket Services, Hearings Division  
Railroad Commission of Texas



# RAILROAD COMMISSION OF TEXAS

## NOTICE OF INTENT TO APPEAR AT: PREHEARING CONFERENCE / HEARING ON THE MERITS

Please choose a Hearing Type (A separate notice of intent to appear must be filed for each hearing.)

PREHEARING CONFERENCE    HEARING ON THE MERITS    POST HEARING CONFERENCE

<b>REPRESENTATIVE OR PARTY WITHOUT REPRESENTATIVE</b> (NAME, STATE BAR NUMBER AND ADDRESS) <hr/> <hr/>	<b>APPLICANT/RESPONDENT:</b> <b>FRIO RESOURCES, LLC</b> <b>DOCKET NO.:</b> <b>OG-23-00012990</b>
<b>REPRESENTATIVE FOR (NAME):</b> <hr/>	<b>TRACKING/STATUS NO.:</b> <b>56136</b> <b>TELEPHONE NO.:</b> <hr/>
<b>EMAIL ADDRESS:</b> <hr/>	<b>FAX NO.:</b> <hr/>
<small>(OPTIONAL - If provided, e-mail address will become part of this public record; See Tex Gov't Code §552.137)</small>	

Notice of Intent to Appear at Hearing as:

Applicant    Protestant    Complainant    Respondent    Witness on behalf of: \_\_\_\_\_  
 Observer    Other (specify) \_\_\_\_\_

**A Copy of this Notice of Intent to Appear must be provided to the Applicant (see 16 Tex. Admin. Code §1.45(b) for authorized methods of service or see the address on the *Notice of Hearing Certificate of Service*) and filed preferably via the CASES system at <https://www.rrc.texas.gov/hearings/rrc-cases>, emailed to Docket Services at [Hearingsdivision.efile@rrc.texas.gov](mailto:Hearingsdivision.efile@rrc.texas.gov), or mailed to the Railroad Commission of Texas, Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be received by Docket Services at least (5) working days in advance of the hearing date.**

I have provided a copy of this **Notice of Intent to Appear at Prehearing Conference / Hearing on the Merits / Post hearing Conference** ("NOIA") form to the Parties at the address(es) shown in the *Notice of Hearing Certificate of Service* or by another authorized method as authorized by 16 Tex. Admin. Code §1.45(b). Please note that "Observers" do not need to serve a copy of this NOIA form on parties.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ADDITIONAL NOTICE SHOULD BE SENT TO THE PERSON OR REPRESENTATIVE SHOWN BELOW:**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

**Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

E-mail at: \_\_\_\_\_

Authorized by: \_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

*By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case.*

Please note, documents filed in a case are viewable in the RRC CASES (Case Administration Service Electronic System) online portal. To access the portal, go to <https://www.rrc.texas.gov/hearings/rrc-cases/>, click on "Find a Case" and enter the last four digits of the docket number in the search box in the upper right-hand corner of the screen that appears. You are encouraged to file all documents through the RRC CASES online portal. To do so, you must become an authenticated user. To request authenticated user access, click on the link above for instructions. **If the pleading contains 10 or fewer pages, including exhibits, it may be filed by fax or email with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.