

IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Comptroller of Public Accounts

Notice of Contract Award

Pursuant to Chapter 403; Chapter 404, Subchapter G; and Chapter 2254, Subchapter B of the Texas Government Code, the Texas Comptroller of Public Accounts ("Comptroller") announces the award of the following contract as a result of Request for Proposals for Consulting Services for a Centralized Purchasing Study of Texas State Agencies ("RFP 214a"):

RSM US LLP, 13355 Noel Road, Suite 800, Dallas, Texas 75240. The total maximum amount of the contract is \$450,000.00. The term of the contract is March 23, 2016, through June 30, 2017, with one (1) optional one year renewal.

The notice of issuance was published in the January 8, 2016, issue of *Texas Register* (41 TexReg 524).

TRD-201601474

Laurie Velasco

Assistant General Counsel, Contracts

Comptroller of Public Accounts

Filed: March 30, 2016



Notice of Request for Qualifications

Pursuant to Subchapter A, Chapter 111, §111.0045 of the Texas Tax Code, the Texas Comptroller of Public Accounts ("Comptroller") announces its Request for Qualifications No. 216d ("RFQ") from qualified independent persons or firms to perform tax compliance examination services that meet the requirements of §111.0045 of the Texas Tax Code, administrative rules as codified at 34 Texas Administrative Code §3.3, procedures established by Comptroller under that statute, and other applicable law. For clarification, such services do not include any attestation services or rendition of an opinion of any nature by any such contractors. Under this RFQ, Comptroller reserves the right to select and contract with one or more persons or firms to conduct these examinations on an as-needed basis. The successful respondent(s) will be expected to begin performance of the contract on or after September 1, 2016.

Contact: Parties interested in a hard copy of the RFQ should contact Laurie Velasco, Assistant General Counsel, Contracts, Texas Comptroller of Public Accounts, 111 E. 17th St., Room 201, Austin, Texas 78774 ("Issuing Office"), telephone number: (512) 305-8673. The RFQ will be available electronically on the *Electronic State Business Daily* ("ESBD") at: <http://esbd.cpa.state.tx.us> on Friday, April 8, 2016, after 10:00 a.m., Central Time (CT). The times stated in this notice refer to Central Time, Austin, Texas.

Questions: All written questions must be received at the above-referenced address not later than 2:00 p.m. CT on Friday, April 22, 2016. Prospective respondents are encouraged to fax or e-mail Questions to (512) 463-3669 or contracts@cpa.texas.gov to ensure timely receipt. **Respondents are solely responsible for verifying timely receipt of Questions in the Issuing Office. Late questions will not be considered under any circumstances.** On or about Friday, April 29, 2016,

Comptroller expects to post responses to questions as an addendum to the ESBD notice on the issuance of the RFQ.

Closing Date: Statement of Qualifications must be delivered to the Issuing Office no later than **2:00 p.m. CT, on Friday, May 20, 2016. Statement of Qualifications received in the Issuing Office after this time and date will not be considered. Respondents shall be solely responsible for ensuring the timely receipt of Statement of Qualifications in the Issuing Office.**

Evaluation Criteria: The Statement of Qualifications will be evaluated under the evaluation criteria outlined in the RFQ. Comptroller reserves the right to accept or reject any or all Statements of Qualifications submitted. Comptroller is not obligated to execute a contract on the basis of this notice or the distribution of any RFQ. Comptroller shall not pay for any costs incurred by any party or entity in responding to this notice or the RFQ.

The anticipated schedule of events is as follows: Issuance of RFQ - April 8, 2016, after 10:00 a.m. CT; Questions Due - April 22, 2016, 2:00 p.m. CT; Official Responses to Questions posted - April 29, 2016, or as soon thereafter as practical; Statement of Qualifications Due - **May 20, 2016, 2:00 p.m. CT**, Contract Execution - August 12, 2016, or as soon thereafter as practical; and Commencement of Work - on or after September 1, 2016. Any changes to this solicitation will be posted on the ESBD as a RFQ Addendum. It is the responsibility of interested parties to periodically check the ESBD for updates to the RFQ prior to submitting a Statement of Qualifications.

TRD-201601473

Laurie Velasco

Assistant General Counsel, Contracts

Comptroller of Public Accounts

Filed: March 30, 2016



Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003 and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 04/04/16 - 04/10/16 is 18% for Consumer¹/Agricultural/Commercial² credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 04/04/16 - 04/10/16 is 18% for Commercial over \$250,000.

¹ Credit for personal, family or household use.

² Credit for business, commercial, investment or other similar purpose.

TRD-201601450

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: March 29, 2016

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Texas Education Agency

Correction of Error

The Texas Education Agency (TEA) adopted new 19 TAC §113.49, concerning Personal Financial Literacy (One-Half Credit), Adopted 2016, in the April 1, 2016, issue of the *Texas Register* (41 TexReg 2491). On page 2492, the effective date of the new rule is shown as April 6, 2016; however, the correct effective date is August 22, 2016.

TRD-201601459

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Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is May 9, 2016. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on May 9, 2016. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Bayeh's Petroleum, Incorporated dba Fort Sam Chevron; DOCKET NUMBER: 2015-1778-PST-E; IDENTIFIER: RN102400447; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(2) and TWC, §26.3475(a), by failing to provide release detection for the pressurized piping associated with the underground storage tank system; PENALTY: \$5,004; ENFORCEMENT COORDINATOR: John Fennell, (512) 239-2616; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(2) COMPANY: City of Balch Springs; DOCKET NUMBER: 2015-1761-WQ-E; IDENTIFIER: RN105552640; LOCATION: Balch Springs, Dallas County; TYPE OF FACILITY: small municipal separate storm sewer system; RULES VIOLATED: 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations (CFR) §122.26(a)(9)(i)(A), by failing to maintain authorization to discharge stormwater under a Texas

Pollutant Discharge Elimination System (TPDES) General Permit for small separate storm sewer systems; and 30 TAC §281.25(a)(4), 40 CFR §122.26(a)(9)(i)(A), and TPDES General Permit Number TXR040213, Part IV.B.2., by failing to submit the annual reports for years 2012 and 2013; PENALTY: \$22,500; Supplemental Environmental Project offset amount of \$18,000; ENFORCEMENT COORDINATOR: Austin Henck, (512) 239-6155; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(3) COMPANY: City of La Feria; DOCKET NUMBER: 2016-0212-PWS-E; IDENTIFIER: RN101418325; LOCATION: La Feria, Cameron County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$732; ENFORCEMENT COORDINATOR: Larry Butler, (512) 239-2543; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(4) COMPANY: City of Opdyke West; DOCKET NUMBER: 2015-1646-PWS-E; IDENTIFIER: RN103788832; LOCATION: Opdyke West, Hockley County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.110(e)(4)(A) and (f)(3) and §290.122(c)(2)(A) and (f), by failing to submit a Disinfectant Level Quarterly Operating Report (DLQOR) to the executive director (ED) each quarter by the tenth day of the month following the end of the quarter and failing to provide public notification and submit a copy of the public notification to the ED regarding the failure to submit the DLQOR; 30 TAC §290.122(b)(3)(A) and (f), by failing to provide public notification and failed to submit a copy of the public notification to the ED regarding the failure to comply with the maximum contaminant levels for fluoride for the first and second quarters of 2015 and arsenic for the second quarter of 2015; and 30 TAC §290.117(i)(6) and (j), by failing to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failing to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements for the January 1, 2013 - December 31, 2013, monitoring period; PENALTY: \$685; ENFORCEMENT COORDINATOR: Jessica Schildwachter, (512) 239-2617; REGIONAL OFFICE: 5012 50th Street, Suite 100, Lubbock, Texas 79414-3421, (806) 796-7092.

(5) COMPANY: City of Rhome; DOCKET NUMBER: 2015-1386-MWD-E; IDENTIFIER: RN102701620; LOCATION: Rhome, Wise County; TYPE OF FACILITY: wastewater treatment plant; RULES VIOLATED: 30 TWC, §26.121(a)(1), 30 TAC §305.125(1) and (4), and Texas Pollutant Discharge Elimination System Permit Number WQ0010701002, Permit Conditions Number 2.g, by failing to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state; PENALTY: \$68,250; Supplemental Environmental Project offset amount of \$54,600; ENFORCEMENT COORDINATOR: Jill Russell, (512) 239-4564; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(6) COMPANY: City of Teague; DOCKET NUMBER: 2015-1122-MWD-E; IDENTIFIER: RN102181716 (West Wastewater Treatment Facility (WWTF) and RN101607935 (North WWTF); LOCATION: Teague, Freestone County; TYPE OF FACILITY: WWTFs; RULES VIOLATED: 30 TAC §305.125(1) and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010300001, Other Requirements Numbers 5.a and 5.b, by failing to monitor sludge accumulations and water depth in the facultative lagoon and/or stabilization ponds at least once every three years to ensure the ponds maintain

the design storage volume and provide sufficient volume for sludge accumulation (West WWTF); 30 TAC §305.125(1) and (11)(C) and §319.7(a), and TPDES Permit Number WQ0010300001, Monitoring and Reporting Requirements Number 3.c, by failing to properly document monitoring activities (West WWTF); TWC, §26.0301(a), 30 TAC §30.350(d), (e), and (j) and §305.125(1), and TPDES Permit Number WQ0010300001, Other Requirements Number 1, by failing to employ or contract with one or more licensed wastewater treatment facility operators holding the appropriate level of license or a wastewater system operations company holding a valid registration and employing licensed wastewater treatment facility operators holding the appropriate level of license for the facility (West WWTF); 30 TAC §305.125(1) and (17) and TPDES Permit Number WQ0010300001, Sludge Provisions, by failing to timely submit the annual sludge report for the monitoring period ending July 31, 2014, by September 30, 2014 (West WWTF); TWC, §26.121(a)(1), 30 TAC §305.125(1), and TPDES Permit Number WQ0010300003, Interim Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limits (North WWTF); and 30 TAC §305.125(1) and (17) and TPDES Permit Number WQ0010300003, Sludge Provisions, by failing to timely submit the annual sludge report for the monitoring period ending July 31, 2014, by September 30, 2014 (North WWTF); PENALTY: \$17,323; ENFORCEMENT COORDINATOR: Christopher Bost, (512) 239-4575; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(7) COMPANY: City of Yorktown; DOCKET NUMBER: 2015-1322-MWD-E; IDENTIFIER: RN103025805; LOCATION: Yorktown, Dewitt County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: 30 TAC §30.350(d) and (j) and §305.125(1) and Texas Pollutant Discharge Elimination System (TPDES) Permit Number WQ0010323001, Other Requirements Number 1, by failing to employ or contract one or more licensed wastewater treatment facility operators holding the appropriate level of license to operate a wastewater treatment facility a minimum of five days per week; 30 TAC §305.125(1) and (5) and TPDES Permit Number WQ0010323001, Operational Requirements Number 1, by failing to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained; and 30 TAC §305.125(1) and (9)(A) and TPDES Permit Number WQ0010323001, Monitoring Requirements Number 7.c., by failing to report in writing any effluent violation which deviates from the permitted effluent limitation by more than 40% to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance; PENALTY: \$19,025; Supplemental Environmental Project offset amount of \$15,220; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 58805886; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(8) COMPANY: Couto Homes, Incorporated; DOCKET NUMBER: 2016-0394-WQ-E; IDENTIFIER: RN108968413; LOCATION: Granbury, Parker County; TYPE OF FACILITY: construction site; RULE VIOLATED: 30 TAC §281.25(a)(4), by failing to obtain a Construction General Permit; PENALTY: \$875; ENFORCEMENT COORDINATOR: Jill Russell, (512) 239-4564; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(9) COMPANY: Durk Zwart dba Zwart Dairy; DOCKET NUMBER: 2016-0013-AGR-E; IDENTIFIER: RN102065281; LOCATION: Dublin, Erath County; TYPE OF FACILITY: concentrated animal feeding operation (CAFO); RULES VIOLATED: 30 TAC §§305.125(1), 321.39(b)(1), 321.42(c)(1) and (d), TWC, §26.121(a)(1), and Texas Pollution Discharge Elimination System (TPDES) Permit Number WQ0005094000, Part VII.A.5(a)(1) and Part IX.D., by failing to prevent a discharge of wastewater from a

CAFO caused by not maintaining a margin of safety in the Retention Control Structure to contain the volume of runoff and direct precipitation from the 25-year/ten-day rainfall event; and 30 TAC §305.125(1) and §321.37(d), TWC, §26.121(a), and TPDES Permit Number WQ0005094000, Part IX.A. and Part IX.D., by failing to prevent the unauthorized discharge of manure, sludge, or wastewater from a CAFO production area; PENALTY: \$6,563; ENFORCEMENT COORDINATOR: Jason Fraley, (512) 239-2552; REGIONAL OFFICE: 580-D West Lingleville Road, Stephenville, Texas 76401, (254) 965-9200.

(10) COMPANY: Faulkey Gully Municipal Utility District; DOCKET NUMBER: 2015-1779-MWD-E; IDENTIFIER: RN102178993; LOCATION: Cypress, Harris County; TYPE OF FACILITY: wastewater system; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0011832001, Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limits; PENALTY: \$21,937; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2601; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(11) COMPANY: Maria Medeles dba Magnolia Gardens and PRINCESS, INCORPORATED dba Magnolia Gardens; DOCKET NUMBER: 2015-1581-PWS-E; IDENTIFIER: RN101225142; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.109(f)(3) and Texas Health and Safety Code, §341.033(d), by failing to comply with the maximum contaminant level for total coliform during the months of August and September 2014; 30 TAC §290.109(c)(4)(B), by failing to collect one raw groundwater source *Escherichia coli* sample from the facility's well within 24 hours of notification of a distribution total coliform-positive result on a routine sample for the month of August 2012; and 30 TAC §290.122(c)(2)(A) and (f), by failing to provide public notification and submit a copy of the public notification to the executive director regarding the failure to collect a routine distribution water sample for coliform analysis during the month of March 2015; PENALTY: \$930; ENFORCEMENT COORDINATOR: Jim Fisher, (512) 239-2537; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(12) COMPANY: Phillips 66 Company; DOCKET NUMBER: 2015-1408-AIR-E; IDENTIFIER: RN102495884; LOCATION: Borger, Hutchinson County; TYPE OF FACILITY: petroleum refinery; RULES VIOLATED: 30 TAC §§101.20(3), 116.715(a), and 122.143(4), Texas Health and Safety Code (THSC), §382.085(b), Federal Operating Permit (FOP) Number O1440, Special Terms and Conditions (STC) Number 20, and Flexible Permit Numbers 9868A and PSDTX102M7, Special Conditions (SC) Number 1, by failing to prevent unauthorized emissions; 30 TAC §§101.20(3), 116.715(a), and 122.143(4), THSC, §382.085(b), FOP Number O1440, STC Number 20, and Flexible Permit Numbers 9868A and PSDTX102M7, SC Number 8, by failing to comply with the minimum incinerator firebox exit temperature of 1,180 degrees Fahrenheit for the Tail Gas Incinerator (TGI) 43; 30 TAC §§101.20(2), 113.1090, and 122.143(4), THSC, §382.085(b), FOP Number O1440, STC Number 10, and 40 Code of Federal Regulations (CFR) §63.6640(a), by failing to comply with the operational requirements of 40 CFR Part 63 Subpart ZZZZ; 30 TAC §§101.20(3), 116.715(a), and 122.143(4), THSC, §382.085(b), FOP Number O1440, STC Number 20, and Flexible Permit Numbers 9868A and PSDTX102M7, SC Number 53.F., by failing to comply with the nitrogen oxides emissions limit of 0.02 pound per million British thermal units based on a three hour average at the Unit 40 Boiler, Emission Point Number 85B2; and 30 TAC §§101.20(3), 116.715(a), and 122.143(4), THSC, §382.085(b), FOP Number O1440, STC Number 20, and Flexible Permit Numbers

9868A and PSDTX102M7, SC Number 28, by failing to comply with the hydrogen sulfide concentration in the fuel gas used for fire heaters, boilers, and TGIs at or below 162 parts per million by volume for the short-term; PENALTY: \$60,751; Supplemental Environmental Project offset amount of \$24,300; ENFORCEMENT COORDINATOR: Jessica Schildwachter, (512) 239-2617; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(13) COMPANY: R.H.A. UNION MANAGEMENT, INCORPORATED dba Texas K Food Mart; DOCKET NUMBER: 2015-1857-PST-E; IDENTIFIER: RN102042652; LOCATION: Houston, Harris County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tank (UST) for releases at a frequency of at least once every month; 30 TAC §334.42(i), by failing to inspect all sumps, including dispenser sumps, manways, overspill containers, or catchment basins associated with the UST system at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid tight and free of debris and liquid; and 30 TAC §115.241(b)(1)(A) and (4) and Texas Health and Safety Code, §382.085(b), by failing to submit written notification of intent to decommission the Stage II vapor recovery equipment at least 30 calendar days prior to the beginning of any decommissioning activity and failing to notify in writing the TCEQ regional office no later than ten calendar days after completion of all decommissioning activity; PENALTY: \$4,731; ENFORCEMENT COORDINATOR: Tiffany Maurer, (512) 239-2696; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(14) COMPANY: Red River Authority of Texas; DOCKET NUMBER: 2016-0044-PWS-E; IDENTIFIER: RN101233062; LOCATION: Crowell, Foard County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.115(f)(1) and Texas Health and Safety Code, §341.0315(c), by failing to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes, based on the locational running annual average; PENALTY: \$157; ENFORCEMENT COORDINATOR: Jason Fraley, (512) 239-2552; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(15) COMPANY: Shell Chemical LP; DOCKET NUMBER: 2015-1741-AIR-E; IDENTIFIER: RN100211879; LOCATION: Deer Park, Harris County; TYPE OF FACILITY: chemical plant; RULES VIOLATED: 30 TAC §§101.20(3), 115.722(c)(1), and 116.115(c), Texas Health and Safety Code, §382.085(b), and New Source Review Permit Numbers 3219 and PSDTX974, Special Conditions Number 1, by failing to prevent unauthorized emissions and failing to limit Highly Reactive Volatile Organic Compounds emissions to 1,200 pounds per one hour block period; PENALTY: \$75,000; Supplemental Environmental Project offset amount of \$37,500; ENFORCEMENT COORDINATOR: Kingsley Coppinger, (512) 239-6581; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(16) COMPANY: Sunline Energy Services, Incorporated; DOCKET NUMBER: 2015-1750-MLM-E; IDENTIFIER: RN106757099; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: tanker/trailer maintenance and storage yard; RULES VIOLATED: 30 TAC §335.4, by failing to not cause, suffer, allow, or permit the unauthorized disposal of Industrial Solid Waste; and 30 TAC §327.5(a), by failing to immediately abate and contain a spill or discharge of used oil and failing to begin reasonable response actions; PENALTY: \$19,250; ENFORCEMENT COORDINATOR: Rebecca Boyett, (512) 239-2503; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(17) COMPANY: Ted Macon and Lolita Sneathern; DOCKET NUMBER: 2016-0062-PWS-E; IDENTIFIER: RN107698466; LOCATION: Sweeney, Brazoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.110(c)(4)(A), by failing to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days; 30 TAC §290.46(e)(4)(A) and Texas Health and Safety Code (THSC), §341.033(a), by failing to operate the facility under the direct supervision of a water works operator who holds a minimum of a Class D or higher license; 30 TAC §290.45(b)(1)(A)(ii) and THSC, §341.0315(c), by failing to provide a pressure tank capacity of 50 gallons per connection; 30 TAC §290.121(a) and (b), by failing to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements; and 30 TAC §290.42(l), by failing to provide a thorough and up-to-date plant operations manual for operator review and reference; PENALTY: \$1,152; ENFORCEMENT COORDINATOR: Ryan Byer, (512) 239-2571; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

TRD-201601445

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: March 29, 2016



Enforcement Orders

An agreed order was adopted regarding Benny's Mart, Inc., Docket No. 2014-1186-PST-E on March 29, 2016 assessing \$7,463 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jacquelyn Boutwell, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Rainbow Landscape Materials, LLC, Docket No. 2014-1523-WQ-E on March 29, 2016 assessing \$6,687 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jake Marx, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Jerry Alvarado, Docket No. 2015-0017-LII-E on March 29, 2016 assessing \$936 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Audrey Liter, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas Military Forces, Docket No. 2015-0420-MWD-E on March 29, 2016 assessing \$741.26 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Elizabeth Carroll Harkrider, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding THURMAN TRANSPORTATION, INC., Docket No. 2015-0590-WQ-E on March 29, 2016 assessing \$5,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jess Robinson, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding A&m express group Inc. dba Texstar Food Mart, Docket No. 2015-0720-PST-E on March 29, 2016 assessing \$3,375 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ian Groetsch, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Diogenes A. Franco, Docket No. 2015-0981-MSW-E on March 29, 2016 assessing \$3,937 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Jess Robinson, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding N R ENTERPRISES INC. dba Exxon Food Mart, Docket No. 2015-1051-PST-E on March 29, 2016 assessing \$3,681 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ryan Rutledge, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ilyas Shaikh Shakoor and Hira Food LLC dba Cowboy Jims Food Mart, Docket No. 2015-1183-PST-E on March 29, 2016 assessing \$3,750 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Amanda Patel, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding JR GROCERIES, INC. dba Handi Stop 8, Docket No. 2015-1201-PST-E on March 29, 2016 assessing \$3,750 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ian Groetsch, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding New Jonathon Enterprise Incorporated dba Checkered Flag 11, Docket No. 2015-1293-PST-E on March 29, 2016 assessing \$6,129 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Ryan Rutledge, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-201601470

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 30, 2016



Notice of Application and Public Hearing for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Proposed Air Quality Registration Number 139219

APPLICATION. Austin Ready Mix, LLC, P.O. Box 579, Del Valle, Texas 78617-0579 has applied to the Texas Commission on Environmental Quality (TCEQ) for an Air Quality Standard Permit for a Concrete Batch Plant with Enhanced Controls Registration Number 139219 to authorize the operation of a concrete batch plant. The facility is proposed to be located at 8277 East U.S. Highway 290, Johnson City, Blanco County, Texas 78636. This link to an electronic map of the site or facility's general location is provided as a public courtesy and not part of the application or notice. For exact location, refer to application. <http://www.tceq.texas.gov/assets/public/hb610/index.html?lat=30.201388&lng=-98.252222&zoom=13&type=r>. This application was submitted to the TCEQ on March 1, 2016. The primary function of this plant is to manufacture concrete by mixing materials including (but not limited to) sand, aggregate, cement and water. The executive director has determined the application was technically complete on March 8, 2016.

PUBLIC COMMENT / PUBLIC HEARING. Public written comments about this application may be submitted at any time during the public comment period. The public comment period begins on the first date notice is published and extends to the close of the public hearing. Public comments may be submitted either in writing to the Texas Commission on Environmental Quality, Office of the Chief Clerk, MC-105, P.O. Box 13087, Austin, Texas 78711-3087 or electronically at www.tceq.texas.gov/about/comments.html. If you choose to communicate with the TCEQ electronically, please be aware that your email address, like your physical mailing address, will become part of the agency's public record.

A public hearing has been scheduled, that will consist of two parts, an informal discussion period and a formal comment period. During the informal discussion period, the public is encouraged to ask questions of the applicant and TCEQ staff concerning the application, but comments made during the informal period will not be considered by the executive director before reaching a decision on the permit, and no formal response will be made to the informal comments. During the formal comment period, members of the public may state their comments into the official record. **Written comments about this application may also be submitted at any time during the hearing.** The purpose of a public hearing is to provide the opportunity to submit written comments or an oral statement about the application. **The public hearing is not an evidentiary proceeding.**

The Public Hearing is to be held:

Thursday, April 28, 2016, at 7:00 p.m.

Lyndon B. Johnson High School Commons Area

505 North Nugent

Johnson City, Texas 78636

RESPONSE TO COMMENTS. A written response to all formal comments will be prepared by the executive director after the comment period closes. The response, along with the executive director's decision on the application, will be mailed to everyone who submitted public comments and the response to comments will be posted in the permit file for viewing.

The executive director shall approve or deny the application not later than 35 days after the date of the public hearing, considering all comments received within the comment period, and base this decision on whether the application meets the requirements of the standard permit.

CENTRAL/REGIONAL OFFICE. The application will be available for viewing and copying at the TCEQ Central Office and the TCEQ Austin Regional Office, located at 12100 Park 35 Circle Bldg A Room 179, Austin, Texas 78753-1808, during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, beginning the first day of publication of this notice.

INFORMATION. If you need more information about this permit application or the permitting process, please call the Public Education Program toll free at (800) 687-4040. Si desea información en español, puede llamar al (800) 687-4040.

Further information may also be obtained from Austin Ready Mix, LLC, P.O. Box 579, Del Valle, Texas 78617-0579 or by calling Mrs. Kathryn Sipe, Environmental Specialist, Westward Environmental, Inc. at (830) 249-8284.

Notice Issuance Date: March 22, 2016

TRD-201601471

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 30, 2016



Notice of Correction to Agreed Order Number 25

In the February 12, 2016, issue of the *Texas Register* (41 TexReg 1145), the Texas Commission on Environmental Quality published notice of Agreed Orders, specifically item Number 25, for Texas Barge and Boat, Incorporated. The reference to rules violated and penalty should be corrected to read: RULES VIOLATED: 30 TAC §122.143(4) and §122.146(2), Texas Health and Safety Code (THSC), §382.085(b), and Federal Operating Permit (FOP) Number O1698, General Terms and Conditions (GTC) and Special Terms and Conditions Number 15, by failing to submit a Permit Compliance Certification within 30 days after the end of the certification period; and 30 TAC §122.143(4) and §122.145(2)(C), THSC, §382.085(b), and FOP Number O1698, GTC, by failing to submit a deviation report no later than 30 days after the end of the reporting period; PENALTY: \$10,650.

For questions concerning this error, please contact Melissa Cordell at (512) 239-2483.

TRD-201601446

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: March 29, 2016



Notice of Opportunity to Comment on Agreed Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Order (AO) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AO, the commission shall allow the public an opportunity to submit written comments on the proposed AO. TWC, §7.075 requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **May 9, 2016**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considera-

tions that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of the proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on May 9, 2016**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075 provides that comments on an AO shall be submitted to the commission in **writing**.

COMPANY: Gordon R. Morris d/b/a Space Estates Mobile Home Park and Leslie L. Morris d/b/a Space Estates Mobile Home Park; DOCKET NUMBER: 2014-1847-PWS-E; TCEQ ID NUMBER: RN103998811; LOCATION: 13826 East Hardy Road, Houston, Harris County; TYPE OF FACILITY: public water system; RULES VIOLATED: 30 TAC §290.117(c)(2)(B) and (C) and (i)(1), by failing to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory and submit the results to the executive director; and 30 TAC §290.122(c)(2)(A) and (f), by failing to provide public notifications and submit copies of the public notifications to the executive director; PENALTY: \$2,229; STAFF ATTORNEY: J. Amber Ahmed, Litigation Division, MC 175, (512) 239-1204; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-201601443

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: March 29, 2016



Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Orders (DOs). The commission staff proposes a DO when the staff has sent an executive director's preliminary report and petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **May 9, 2016**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory au-

thority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of each proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on May 9, 2016**. Comments may also be sent by facsimile machine to the attorney at (512) 239-3434. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075 provides that comments on the DOs shall be submitted to the commission in **writing**.

(1) COMPANY: Binh Pham; DOCKET NUMBER: 2015-0660-WQ-E; TCEQ ID NUMBER: RN107752131; LOCATION: approximately 0.75 mile from the intersection of Manning Lane and State Highway 21, Crockett, Houston County; TYPE OF FACILITY: farm land; RULES VIOLATED: 30 TAC §281.25(a)(4), 40 Code of Federal Regulations (CFR) §122.26(c), and Texas Pollutant Discharge Elimination System (TPDES) General Permit (GP) Number TXR150013353, Part III, Sections F(2)(a)(i) and (ii), F(4)(d), F(6)(a), and Part VII, Numbers 1 and 9, by failing to implement and maintain effective sediment controls at the site; 30 TAC §281.25(a)(4), 40 CFR §122.26(c), and TPDES GP Number TXR150013353, Part III, Section F(1)(c), by failing to include a description of the intended schedule or sequence of activities that will disturb soils for major portions of the site, including estimated start dates and duration of activities in the site's storm water pollution prevention plan (SWP3); 30 TAC §281.25(a)(4), 40 CFR §122.26(c), and TPDES GP Number TXR150013353, Part III, Section F(1)(e), by failing to include data describing the soil or the quality of any discharge from the site in the site's SWP3; 30 TAC §281.25(a)(4), 40 CFR §122.26(c), and TPDES GP Number TXR150013353, Part III, Section F(1)(g)(v), by failing to include the locations of construction support activities, including off-site activities that are authorized under the Notice of Intent (NOI), including material, waste, borrow, fill, or equipment or chemical storage areas in the site map; 30 TAC §281.25(a)(4), 40 CFR §122.26(c), and TPDES GP Number TXR150013353, Part III, Section F(1)(k), by failing to include the NOI and acknowledgement certificate for primary operators of large construction sites; TWC, §26.121(a)(1), 30 TAC §281.25(a)(4), 40 CFR §122.26(c), and TPDES GP Number TXR150013353, Part III, Sections F(2)(c)(i)(B), F(4)(e), F(6)(a), G(1), and Part VII Numbers 1, 8, and 9, by failing to prevent an unauthorized discharge of waste into or adjacent to water in the state; and 30 TAC §281.25(a)(4), 40 CFR §122.26(c), and TPDES GP Number TXR150013353, Part III, Sections F(2)(c) and F(2)(c)(i)(A)(1), by failing to include a description of any sediment control practices used to remove eroded soils from storm water runoff and to include the capacity calculations for the site's sedimentation basins in the site's SWP3; PENALTY: \$8,263; STAFF ATTORNEY: Jim Sallans, Litigation Division, MC 175, (512) 239-2053; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(2) COMPANY: KENNARD'S THOMAS CORNER, LLC dba Thomas Corner Fine Fina; DOCKET NUMBER: 2015-1405-PST-E; TCEQ ID NUMBER: RN101817419; LOCATION: 212 State Highway 7 East, Kennard, Houston County; TYPE OF FACILITY: underground storage tank (UST) system and a convenience store; RULES VIOLATED: 30 TAC §334.7(d)(1) and (3), by failing to provide an amended registration for any change or additional information regarding the UST system within 30 days of the occurrence of the change or addition; and 30 TAC §334.47(a)(2), by failing to

permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements; PENALTY: \$5,000; STAFF ATTORNEY: Clayton Smith, Litigation Division, MC 175, (512) 239-6224; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(3) COMPANY: SCHMIDT LAND SERVICES, INC.; DOCKET NUMBER: 2015-0784-WQ-E; TCEQ ID NUMBER: RN107305567; LOCATION: 1105 Simmons Avenue, Jourdanton, Atascosa County; TYPE OF FACILITY: maintenance facility with industrial cleaning activities; RULE VIOLATED: TWC, §26.121(a)(1), by failing to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state; PENALTY: \$1,312; STAFF ATTORNEY: Elizabeth Lieberknecht, Litigation Division, MC 175, (512) 239-0620; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

TRD-201601444

Kathleen C. Decker

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: March 29, 2016



Notice of Public Hearing

on Assessment of Administrative Penalties and Requiring Certain Actions of SPEEDEXX ENTERPRISE INC. d/b/a Speedexx Food Store

SOAH Docket No. 582-16-3112

TCEQ Docket No. 2015-1222-PST-E

The Texas Commission on Environmental Quality (TCEQ or the Commission) has referred this matter to the State Office of Administrative Hearings (SOAH). An Administrative Law Judge with the State Office of Administrative Hearings will conduct a public hearing at:

10:00 a.m. - April 28, 2016

William P. Clements Building

300 West 15th Street, 4th Floor

Austin, Texas 78701

The purpose of the hearing will be to consider the Executive Director's Preliminary Report and Petition mailed January 4, 2016 concerning assessing administrative penalties against and requiring certain actions of SPEEDEXX ENTERPRISE INC. d/b/a Speedexx Food Store, for violations in Harris County, Texas, of: 30 Tex. Admin. Code §334.72 and §334.74.

The hearing will allow SPEEDEXX ENTERPRISE INC. d/b/a Speedexx Food Store, the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford SPEEDEXX ENTERPRISE INC. d/b/a Speedexx Food Store, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **Upon failure of SPEEDEXX ENTERPRISE INC. d/b/a Speedexx Food Store to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true,**

and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's Preliminary Report and Petition, attached hereto and incorporated herein for all purposes. SPEEDEXX ENTERPRISE INC. d/b/a Speedexx Food Store, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

Legal Authority: Tex. Water Code §7.054 and chs. 7 and 26, and 30 Tex. Admin. Code chs. 70 and 334; Tex. Water Code §7.058, and the Rules of Procedure of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings, including 30 Tex. Admin. Code §70.108 and §70.109 and ch. 80, and 1 Tex. Admin. Code ch. 155.

Further information regarding this hearing may be obtained by contacting Jess Robinson, Staff Attorney, Texas Commission on Environmental Quality, Litigation Division, Mail Code 175, P.O. Box 13087, Austin, Texas 78711-3087, telephone (512) 239-3400. Information concerning your participation in this hearing may be obtained by contacting Vic McWherter, Public Interest Counsel, Mail Code 103, at the same P.O. Box address given above, or by telephone at (512) 239-6363.

Any document filed prior to the hearing must be filed with TCEQ's Office of the Chief Clerk and SOAH. Documents filed with the Office of the Chief Clerk may be filed electronically at <http://www.tceq.texas.gov/goto/eFilings> or sent to the following address: TCEQ Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087. Documents filed with SOAH may be filed via fax at (512) 322-2061 or sent to the following address: SOAH, 300 West 15th Street, Suite 504, Austin, Texas 78701. When contacting the Commission or SOAH regarding this matter, reference the SOAH docket number given at the top of this notice.

Persons who need special accommodations at the hearing should call the SOAH Docketing Department at (512) 475-3445, at least one week before the hearing.

Issued: March 28, 2016

TRD-201601472

Bridget C. Bohac

Chief Clerk

Texas Commission on Environmental Quality

Filed: March 30, 2016

Texas Ethics Commission

List of Late Filers

Below is a list from the Texas Ethics Commission of names of filers who did not file a report or failed to pay penalty fines for late reports in reference to the listed filing deadline. If you have any questions, you may contact Sue Edwards at (512) 463-5800.

Deadline: Semiannual Report due July 15, 2015

Mike W. Bush, 204 Woodhew Dr., Waco, Texas 68754

Lawrence D. Gilstrap, 6500 Purvis Rd., Silsbee, Texas 77656

Robert E. Johnson, 1122 Colorado #208, Austin, Texas 78701

Michael K. Stewart, 502 W. 13th St., Austin, Texas 78701-1827

Deadline: 8-day Pre-election Report due October 26, 2015

Albert G. Gonzales, P.O. Box 87069, Houston, Texas 77287-7069

Deadline: Lobby Activities Report due September 10, 2015

Will Galloway, 206 E. 9th St., Ste. 1501, Austin, Texas 78701

Deadline: Lobby Activities Report due October 13, 2015

Will Galloway, 206 E. 9th St., Ste. 1501, Austin, Texas 78701

Anthony Holm, P.O. Box 427, Austin, Texas 78767

Brett R. Kerr, 717 Texas St., Ste. 1000, Houston, Texas 77002

Roberto Maldonado, 924 McCullough Ave., San Antonio, Texas 78215

Dimple Patel, 4017 Herschel Ave., Apt. 4, Dallas, Texas 75219

Ward Wyatt, 3018 Windsor Rd., Austin, Texas 78703

Deadline: Lobby Activities Report due November 10, 2015

Fred Aus, 7401 Breccourt Manor Way, Austin, Texas 78739

Will Galloway, 206 E. 9th St., Ste. 1501, Austin, Texas 78701

Anthony Holm, P.O. Box 427, Austin, Texas 78767

Roberto Maldonado, 924 McCullough Ave., San Antonio, Texas 78215

Ward Wyatt, 3018 Windsor Rd., Austin, Texas 78703

TRD-201601396

Natalia Luna Ashley

Executive Director

Texas Ethics Commission

Filed: March 24, 2016

Texas Facilities Commission

Request for Proposals #303-6-20554

The Texas Facilities Commission (TFC), on behalf of the Health and Human Services Commission (HHSC), the Department of Family and Protective Services (DFPS), and the Department of Aging and Disability Services (DADS), announces the issuance of Request for Proposals (RFP) #303-6-20554. TFC seeks a five (5) or ten (10) year lease of approximately 7,108 square feet of office space in Silsbee, Texas.

The deadline for questions is April 12, 2016, and the deadline for proposals is April 26, 2016, at 3:00 p.m. The award date is May 18, 2016. TFC reserves the right to accept or reject any or all proposals submitted. TFC is under no legal or other obligation to execute a lease on the basis of this notice or the distribution of an RFP. Neither this notice nor the RFP commits TFC to pay for any costs incurred prior to the award of a grant.

Parties interested in submitting a proposal may obtain information by contacting the Program Specialist, Evelyn Esquivel, at (512) 463-6494. A copy of the RFP may be downloaded from the Electronic State Business Daily at http://esbd.cpa.state.tx.us/bid_show.cfm?bidid=123593.

TRD-201601449

Kay Molina

General Counsel

Texas Facilities Commission

Filed: March 29, 2016

Department of Family and Protective Services

Cancellation of Invitation for Offers for Consultant Contract

The Department of Family and Protective Services' (DFPS) invitation for offers for a consultant contract for the purposes of performing implementation activities related to the DFPS Transformation Initiative,

notice of which was published in the March 11, 2016, issue of the *Texas Register* (41 TexReg 2009), has been canceled.

TRD-201601397

Trevor Woodruff

General Counsel

Department of Family and Protective Services

Filed: March 24, 2016

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Texas Health and Human Services Commission

Public Notice - Amendment to the Texas State Plan for Medical Assistance under Title XIX of the Social Security of the Social Security Act

The Texas Health and Human Services Commission announces its intent to submit an amendment to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act.

The purpose of the amendment is to update the fee schedule in the current state plan by adjusting or implementing the fee for Clinical Diagnostic Laboratory Services. The proposed amendment is effective May 1, 2016.

The proposed amendment is estimated to result in an additional annual aggregate expenditure of \$274 for the remainder of federal fiscal year (FFY) 2016, consisting of \$156 in federal funds and \$118 in state general revenue. For FFY 2017, the estimated additional annual expenditure is \$658, consisting of \$370 in federal funds and \$288 in state general revenue. For FFY 2018, the estimated additional expenditure is \$602, consisting of \$370 federal funds and \$232 in state general revenue.

Rate Hearing. A rate hearing is scheduled May 11, 2016, at 1:30 p.m. in Austin, Texas, and information about the proposed rate changes (including methodology and justification) and the hearing can be found in the *Texas Register* at <http://www.sos.state.tx.us/texreg/index.shtml>.

Copy of Proposed Amendment. Interested parties may obtain a free copy of the proposed amendment by contacting Rate Analysis by mail at Texas Health and Human Services Commission, Attention: Rate Analysis, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by telephone at (512) 730-7401; by fax at (512) 730-7475; or by email at RADAcuteCare@hhsc.state.tx.us. Copies of the proposed amendment will be available for review at the local county offices of the Texas Department of Aging and Disability Services.

Written Comments. Written comments and/or requests to review comments may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax, or email:

U.S. Mail

Texas Health and Human Services Commission

Attention: Rate Analysis, Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Rate Analysis, Mail Code H-400

Brown-Heatly Building

4900 North Lamar

Austin, Texas 78751

Phone number for package delivery: (512) 730-7401

Fax

Attention: Rate Analysis at (512) 730-7475

Email

RADAcuteCare@hhsc.state.tx.us

TRD-201601416

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: March 24, 2016

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Department of State Health Services

Correction of Error

The Department of State Health Services (department) adopted amendments to 25 TAC §§97.1 - 97.7 and §97.13, concerning the control of communicable diseases, in the March 25, 2016, issue of the *Texas Register* (41 TexReg 2317). Two errors appeared in the adoption notice.

On page 2318, second column, sixth paragraph, the phrase "from 'a week' to 'one day'" should have been "from 'one day' to 'a week'". The corrected paragraph reads as follows:

COMMENT: Concerning §97.4(a)(1), an infection preventionist from the Houston Methodist San Jacinto Hospital submitted a comment about changing the reporting time frame of the multidrug-resistant organisms (MDRO) from "one day" to "a week."

On page 2321, the phrase "*Neisseria meningitidis*" in §97.3(a)(4) should have been italicized. The corrected paragraph reads as follows:

(4) Diseases requiring submission of cultures. For all anthrax (*Bacillus anthracis*); botulism, adult and infant (*Clostridium botulinum*); brucellosis (*Brucella* species); all *Haemophilus influenzae*, invasive, in children under five years old (*Haemophilus influenzae* from normally sterile sites); listeriosis (*Listeria monocytogenes*); meningococcal infection, invasive (*Neisseria meningitidis* from normally sterile sites or purpuric lesions); plague (*Yersinia pestis*); Shiga toxin-producing *Escherichia coli* infection (*E.coli* O157:H7, isolates or specimens from cases where Shiga toxin activity is demonstrated); *Staphylococcus aureus* with a vancomycin MIC greater than 2 µg/mL; tuberculosis (*Mycobacterium tuberculosis* complex); tularemia (*Francisella tularensis*); and vibriosis (*Vibrio* species) - pure cultures (or specimens as indicated in this paragraph) shall be submitted accompanied by a current department Specimen Submission Form.

TRD-201601460

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Texas Department of Housing and Community Affairs

Request for Proposal from Firms Interested in Providing Services of a Master Servicer

The Texas Department of Housing and Community Affairs ("TDHCA") is issuing this Request for Proposal (RFP) #332-RFP16-1007 from firms interested in providing services of a Master Servicer to secure commitment from Fannie Mae, Freddie Mac and Ginnie Mae, purchasing loans from participating lenders, warehousing and pooling the loans, servicing the loans, issuing Fannie Mae, Freddie Mac and Ginnie Mae certificates, and selling the certificates to the Program's Bond Trustee or other investors as directed by TDHCA.

Responses to the RFP must be received at TDHCA no later than 2:00 p.m. Austin local time on Friday, April 29, 2016. To obtain a copy of the RFP, please email your request to the attention of Julie Dumbbeck at julie.dumbbeck@tdhca.state.tx.us or visit the TDHCA web page under *What's New*, or the Bond Finance Division web page at www.tdhca.state.tx.us.

TRD-201601453

Timothy K. Irvine

Executive Director

Texas Department of Housing and Community Affairs

Filed: March 29, 2016



Texas Department of Licensing and Regulation

Notice of Vacancies on Dyslexia Therapists and Practitioners Advisory Committee

The Texas Department of Licensing and Regulation (Department) announces vacancies on the Dyslexia Therapists and Practitioners Advisory Committee (Committee) established by Texas Occupations Code, Chapter 403 (Act). The purpose of the Dyslexia Therapists and Practitioners Advisory Committee is to advise the Texas Commission of Licensing and Regulation (Commission) regarding rules relating to the licensure and regulation of dyslexia therapists and dyslexia practitioners, including continuing education requirements and the approved examinations for licensure.

The Committee consists of five members appointed by the presiding officer of the Commission, with the Commission's approval. The Committee consists of the following members:

- (1) two dyslexia therapists licensed under the Act;
- (2) one dyslexia practitioner licensed under the Act; and
- (3) two consumer or public members, one of whom must be a person with dyslexia or the parent of a person with dyslexia.

This announcement is to fill all five Committee vacancies. Members serve staggered six-year terms, at the will of the Commission. The terms of three of the members begin on December 31st of each odd-numbered year. Service is voluntary and compensation is not authorized by law.

Interested persons should submit an application on the Department website at: <https://www.tdlr.texas.gov/AdvisoryBoard/login.aspx>. Applicants can also request an application from the Department by telephone at (800) 803-9202, fax at (512) 475-2874 or e-mail at advisory.boards@tdlr.texas.gov.

TRD-201601467

William H. Kuntz, Jr.

Executive Director

Texas Department of Licensing and Regulation

Filed: March 29, 2016



North Central Texas Council of Governments

Auto Occupancy Detection and Verification Technology Request for Proposals

The North Central Texas Council of Governments (NCTCOG), in consultation and with the support of the Texas Department of Transportation (TxDOT), is seeking technology to automatically detect and verify vehicle occupancy for users of tolled managed lane and Express/HOV facilities in the Dallas-Fort Worth region. Occupancy verification will

be used to apply a toll discount for qualifying high occupancy vehicles consistent with the Regional Transportation Council's (RTCs) Toll Managed Lane Policies. Technology procured through this RFP should have the ability to be implemented not only in the Dallas-Fort Worth region, but in a seamless fashion on TxDOT managed lane and express/HOV facilities throughout the State of Texas. Services and work include documentation, design, testing, integration support services to the existing toll system, installation, and maintenance and warranty of the solution provided. NCTCOG recognizes this is a new and innovative application of technology and is interested in any and all solutions.

Proposals must be received no later than 5:00 p.m., on Friday, May 20, 2016, to Natalie Bettger, Senior Program Manager, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011. Copies of the Request for Proposals (RFP) will be available at www.nctcog.org/rfp by the close of business on Friday, April 8, 2016.

NCTCOG encourages participation by disadvantaged business enterprises and does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-201601475

R. Michael Eastland

Executive Director

North Central Texas Council of Governments

Filed: March 30, 2016



Notice of Vendor Contract Award

Pursuant to the provisions of Government Code, Chapter 2254, the North Central Texas Council of Governments publishes this notice of vendor contract award. The vendor request for qualifications and interest appeared in the May 22, 2015, issue of the *Texas Register* (40 TexReg 2854). The selected vendor will perform technical and professional work to develop a corridor master plan for State Highway 199 (Jacksboro Highway) related to Federal Highway Administration (FHWA) funds.

The vendor selected for this project is Freese and Nichols, Inc., 4055 International Plaza, Suite 200, Fort Worth, Texas 76109. The amount of the contract is not to exceed \$694,600.

TRD-201601468

R. Michael Eastland

Executive Director

North Central Texas Council of Governments

Filed: March 29, 2016



Notice of Vendor Contract Award

Pursuant to the provisions of Government Code, Chapter 2254, the North Central Texas Council of Governments publishes this notice of vendor contract award. The vendor request for qualifications and interest appeared in the November 13, 2015, issue of the *Texas Register* (40 TexReg 8059). The selected vendor(s) will provide their technology for testing as part of for the Heavy-Duty Diesel Inspection and Maintenance Pilot - Phase 2. Phase 2 efforts will be funded with Federal Highway Administration (FHWA) funds.

The vendors selected for this project are ETEST Corp, 7 Kripes Road, East Granby, Connecticut 06026 and MKS Instruments, 2 Tech Drive, Suite 201, Andover, Massachusetts 01810. There is no reimbursement to the vendors selected for participation in this project.

TRD-201601469

R. Michael Eastland
Executive Director
North Central Texas Council of Governments
Filed: March 29, 2016

◆ ◆ ◆
Public Utility Commission of Texas

Notice of Application for Sale, Transfer, or Merger

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on March 25, 2016, pursuant to the Public Utility Regulatory Act, Tex. Util. Code Ann. §39.154 and §39.158.

Docket Style and Number: Application of Atlas Power Finance, LLC for Approval Pursuant to Section §39.158 of the Public Utility Regulatory Act, Docket Number 45764.

The Application: On March 25, 2016, Atlas Power Finance, LLC (Atlas Power Finance) a wholly-owned subsidiary of Atlas Power, LLC, which is a newly-formed joint venture between Dynegy Inc. and Energy Capital Partners III, LLC filed an application for approval of the proposed purchase of GDF SUEZ Energy North America, Inc. (GSENA). A stock purchase agreement, entered into by Atlas Power Finance, GSENA, and International Power S.A., provides for the purchase of all outstanding shares in GSENA by Atlas Power Finance. The combined generation owned and controlled by Atlas Power Finance, GSENA, and their affiliates following the proposed sale exceeds one percent of the total electricity offered for sale in ERCOT.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the Public Utility Commission of Texas as soon as possible as an intervention deadline will be imposed. A comment or request to intervene should be mailed to P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the Commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 45764.

TRD-201601461
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: March 29, 2016

◆ ◆ ◆
Notice of Application for Sale, Transfer, or Merger

Notice is given to the public of an application filed with the Public Utility Commission of Texas on March 25, 2016, pursuant to the Texas Water Code.

Docket Style and Number: Application of G-M Water Supply Corporation for Sale, Transfer, or Merger of Frontier Park Resort & Marina's Facilities and Certificate Rights in Sabine County, Docket Number 45762.

The Application: G-M Water Supply Corporation filed an application for sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Sabine County. G-M Water Supply seeks approval to acquire all of the water system assets of Frontier Park held under water CCN No. 12689. The Texas Commission on Environmental Quality requested that G-M Water Supply take over providing water services to Frontier Park customers because of Frontier Park's well system violations.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the commission as soon as possible as an intervention deadline will be imposed. A comment or request to intervene should be mailed to Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. Further information may also be obtained by calling the commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 45762.

TRD-201601466
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: March 29, 2016

◆ ◆ ◆
Notice of Application for Transfer of Responsibility for Administration of Nuclear Decommissioning Trust

Notice is given to the public of an application for transfer of responsibility for administration of nuclear decommissioning trust filed with the Public Utility Commission of Texas on March 22, 2016, pursuant to the Public Utility Regulatory Act, Tex. Util. Code Ann. §39.205 (West 2007 & Supp. 2015) (PURA).

Docket Style and Number: Application of Luminant Generation Company, LLC and Oncor Electric Delivery Company, LLC to Transfer Ownership and Administration of the Comanche Peak Nuclear Power Plant Decommissioning Trust Pursuant to §39.205 of the Public Utility Regulatory Act and §25.303(d) of 16 Tex. Admin. Code, Docket Number 45753.

The Application: Luminant Generation Company, LLC (Luminant), acting on behalf of itself and TEX Energy LLC, TEX Intermediate Company LLC, TEX Operations Company LLC TEX Asset Company LLC, TEX Preferred LLC, and TEX CP Company LLC (CP LLC) and Oncor Electric Delivery Company, LLC (Oncor) filed, pursuant to PURA §39.205 and 16 Tex. Admin. Code §25.303(d) an application for approval of the transfer of the responsibility of administering the funds for the nuclear decommissioning trust for the Comanche Peak Nuclear Power Plant Units 1 and 2 from Luminant to CP LLC, as owner/trustee.

Persons wishing to intervene or comment on the action sought should contact the Public Utility Commission of Texas by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 45753.

TRD-201601401
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: March 24, 2016

◆ ◆ ◆
Notice of ERCOT's Filing for Approval of Re-Election of Unaffiliated Director

Notice is hereby given to the public of the March 25, 2016, filing with the Public Utility Commission of Texas (commission) of a petition of the Electric Reliability Council of Texas (ERCOT) for approval of

re-election of an unaffiliated director pursuant to Public Utility Regulatory Act §39.151.

Docket Style and Number: Petition of the Electric Reliability Council of Texas for Approval of Re-Election of Unaffiliated Director, Docket Number 45763.

The Application: On March 25, 2016, ERCOT filed with the commission a petition for approval of the re-election of Mr. Jorge Bermudez to a third and final term as an Unaffiliated Director of the ERCOT Board of Directors. ERCOT requests approval of the re-election of Mr. Bermudez to service on the ERCOT Board beginning July 1, 2016.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the commission at P.O. Box 13326, Austin, Texas 78711-3326 or call the commission's Customer Protection Division at (512) 936-7120. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 45763.

TRD-201601447
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: March 29, 2016



Notice of Public Meeting

The staff of the Public Utility Commission of Texas (PUC or Commission) will hold a public meeting on Thursday, May 12, 2016, to discuss the overlay of a new area code in the geographic area of the 210 area code. The 210 area code is running out of telephone numbers so another area code will need to be added to the San Antonio area by the third quarter of 2018. An all-services overlay means that customers will not be required to change their existing telephone numbers. All customers in the 210 area code will be required to use 10-digit dialing. Phone numbers using the new area code will be provided when the 210 area code numbers are exhausted. The staff will be prepared to take public comments and answer questions regarding the addition of the new area code. The Commission is scheduled to make the final decision in the summer of 2016.

The meeting will begin at 2:00 p.m. at the Alamo Area Council of Governments (AACOG), 8700 Tesoro Drive #160, San Antonio, Texas 78217 in the Al J. Notzon Board Room. Project Number 45224, *Numbering Plan Area Code Relief Planning for the 210 Area Code*, has been established for this proceeding.

Persons planning to attend this meeting who have disabilities requiring auxiliary aids or services should notify the Commission as far in advance as possible so that appropriate arrangements can be made. Requests can be made to Gabriel Cardenas at (512) 936-7046, gabriel.cardenas@puc.texas.gov, or by writing to 1701 N. Congress Avenue, Austin, Texas 78711-3326. Teletypewriter for the hearing impaired may use (512) 936-7136.

TRD-201601451
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: March 29, 2016



Public Notice of Workshop and Request for Comments

Staff of the Public Utility Commission of Texas (commission staff) will hold a workshop regarding Project No. 45625, *Rulemaking Relating to the Use of Hand-Held Devices for Retail Electric Customer Enrollment* on Friday, May 6, 2016, at 9:30 a.m. The workshop will be held in the Commissioners' Hearing Room, located on the 7th floor of the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701. Prior to the workshop, commission staff will make a copy of the meeting agenda available by May 2, 2016, in Central Records under Project No. 45625.

In preparation for the workshop, commission staff requests comments from interested parties on the questions listed below. Parties are invited to submit written comments in response to staff's questions by filing sixteen copies of such comments with the commission's Central Records no later than 3:00 p.m. on Friday, April 22, 2016. Parties are invited to file reply comments by filing sixteen copies of such responses with Central Records no later than 3:00 p.m. on Monday, May 2, 2016. All comments should reference Project No. 45625 and should be limited to 20 pages.

Questions concerning the workshop or this notice should be referred to James Kelsaw, Competitive Markets Division, at (512) 936-7338 or james.kelsaw@puc.texas.gov. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission through Relay Texas by dialing 7-1-1.

QUESTIONS

1. What devices should be considered a "hand-held electronic device" when engaging in customer enrollments through door-to-door sales?
 - a. What minimum attributes should the device have that will still apply in the future as technology changes?
 - b. What protections for the storage of customer's data should the device have? Why?
2. What authorization should be required to ensure protection for customers who enroll in door-to-door sales using a hand-held electronic device?
 - a. Should an "opt-in" authorization be required instead of the current "opt-out" authorization? Please provide a detailed explanation.
 - b. Should customers be required to provide two forms of account access verification data pursuant to §25.474(d)(10)(E) before they can enroll during a door-to-door sale when the sales agent is using a hand-held electronic device?
 - c. Should an oral verification statement by the customer be recorded with the hand-held electronic device? Please provide a detailed explanation.
3. Should customers without an email address be allowed to enroll via a hand-held device? Please provide a detailed explanation.
4. If the answer to Question No. 3 is answered in the affirmative, please provide a detailed description of what authorizations should be put in place to ensure that the customer has not been misled or coerced into accepting certain service.
5. Should a REP be allowed to enroll a non-English speaking customer during a door-to-door sale using a hand-held electronic device if its sales agent does not speak the same language as the customer?
6. Should the commission amend 16 Tex. Admin. Code §25.474(f) to require door-to-door enrollment using a hand-held electronic device to follow the required authorization disclosures in 16 TAC §25.474(d)(1) - (9) and the verification of authorization for enrollment in 16 TAC §25.474(d)(10) - (11) in lieu of the authorization and verification of authorization in 16 TAC §25.474(f)(2) - (3)?

◆ ◆ ◆
Supreme Court of Texas

In the Supreme Court of Texas

Misc. Docket No. 16-9032

ORDER AMENDING COMMENTS TO THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT AND THE TEXAS RULES OF DISCIPLINARY PROCEDURE

ORDERED that:

1. The comment to Rule 1.06, Texas Disciplinary Rules of Professional Conduct, is amended to add paragraph 19, as published in this order.
2. Paragraph 5 of the comment to Rule 1.09, Texas Disciplinary Rules of Professional Conduct, is amended as published in this order.
3. Rule 13.03, Texas Rules of Disciplinary Procedure, is amended to add the comment published in this order.
4. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

Dated: March 22, 2016.

Nathan L. Hecht, Chief Justice

Paul W. Green, Justice

Phil Johnson, Justice

Don R. Willett, Justice

Eva M. Guzman, Justice

Debra H. Lehrmann, Justice

Jeffrey S. Boyd, Justice

John P. Devine, Justice

Jeffrey V. Brown, Justice

The comment to Rule 1.06, Texas Disciplinary Rules of Professional Conduct, is amended as follows:

Rule 1.06. Conflict of Interest: General Rule

* * *

Comment:

* * *

Imputed Conflicts, Nonlawyer Employees, and Lawyers Formerly Employed in a Nonlawyer Role

19. A law firm is not prohibited from representing a client under paragraph (f) merely because a nonlawyer employee of the firm, such as a paralegal or legal secretary, has a conflict of interest arising from prior employment or some other source. Nor is a firm prohibited from representing a client merely because a lawyer of the firm has a conflict of interest arising from events that occurred before the person became a lawyer, such as work that the person did as a law clerk or intern. But the firm must ordinarily screen the person with the conflict from any personal participation in the matter to prevent the person's communicating to others in the firm confidential information that the person and the firm have a legal duty to protect. See Rule 5.03; see also MODEL RULES PROF'L CONDUCT r. 1.10 cmt. 4 (AM. BAR ASS'N 1983); RESTATEMENT (THIRD) OF THE LAW GOVERNING LAWYERS §123 cmt. f (AM. LAW INST. 2000).

The comment to Rule 1.09, Texas Disciplinary Rules of Professional Conduct, is amended as follows:

Rule 1.09. Conflict of Interest: Former Client

* * *

Comment:

* * *

5. Paragraph (b) extends paragraph (a)'s limitations on an individual lawyer's freedom to undertake a representation against that lawyer's former client to all other lawyers who are or become members of or associated with the firm in which that lawyer is practicing. Thus, for example, if a client severs the attorney-client relationship with a lawyer who remains in a firm, the entitlement of that individual lawyer to undertake a representation against that former client is governed by paragraph (a); and all other lawyers who are or become members of or associated with that lawyer's firm are treated in the same manner by paragraph (b). Similarly, if a lawyer severs his or her association with a firm and that firm retains as a client a person whom the lawyer personally represented while with the firm, that lawyer's ability thereafter to undertake a representation against that client is governed by paragraph (a); and all other lawyers who are or become members of or associates with that lawyer's new firm are treated in the same manner by paragraph (b). See also paragraph 19 of the comment to Rule 1.06.

* * *

The following comment is added to Rule 13.03, Texas Rules of Disciplinary Procedure:

13.03. Hearing and Order on Application to Assume Jurisdiction

* * *

Comment: Chapter 456, Estates Code, authorizes the personal representative of a deceased attorney to designate an attorney--including him- or herself, if the personal representative is an attorney--to disburse and close the deceased attorney's trust or escrow accounts for client funds. See TEX. EST. CODE §456.002. Before appointing an attorney to wind up a deceased attorney's practice under this rule, the court should determine whether the deceased attorney's personal representative has designated an attorney under Chapter 456 to close the deceased attorney's trust and escrow accounts.



In the Supreme Court of Texas

Misc. Docket No. 16-9036

ORDER AMENDING STANDARDS FOR ATTORNEY CERTIFICATION IN CIVIL TRIAL LAW

ORDERED that:

1. The Court approves the following amendments to the Standards for Attorney Certification by the Texas Board of Legal Specialization in Civil Trial Law. This order includes a clean copy and an approximate redline copy of the amended standards. The clean copy is the official version. The amendments are effective immediately.
2. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
 - c. send a copy of this order to each elected member of the Legislature; and
 - d. submit a copy of the order for publication in the *Texas Register*.

Dated: March 22, 2016.

Nathan L. Hecht, Chief Justice

Paul W. Green, Justice

Phil Johnson, Justice

Don R. Willett, Justice

Eva M. Guzman, Justice

Debra H. Lehrmann, Justice

Jeffrey S. Boyd, Justice

John P. Devine, Justice

Jeffrey V. Brown, Justice

**TEXAS BOARD OF LEGAL SPECIALIZATION
STANDARDS FOR ATTORNEY CERTIFICATION
PART II
SPECIFIC AREA REQUIREMENTS**

These are specific requirements that apply the specialty area listed below. The specific requirements include the definitions, substantial involvement, reference, and other certification and recertification requirements for the specialty area. You will also need to refer to the Standards for Attorney Certification, Part I - General Requirements for requirements that apply to all specialty areas.

SECTION V

CIVIL TRIAL LAW

(Area ID: CT / Year Started: 1978)

A. DEFINITIONS.

1. Civil trial law is the practice of law dealing with litigation of civil controversies in all areas of substantive law before state and federal courts of record.
2. A trial is a contested proceeding in a court of record within the judicial branch of government that involves the submission of testimonial evidence to a court or jury in support or defense of claims for relief submitted by the parties. A trial commences on the initial presentation of evidence to the court or jury. Summary judgment proceedings, other pretrial proceedings, default judgments, and civil appeals are not trials within the meaning of these standards.
3. Lead counsel is the lawyer who takes primary responsibility for the representation of the client in the case. In a jury case, to be considered lead counsel, applicant must, at a minimum, have made an opening statement or closing argument and conducted significant direct or cross-examination of live witnesses at trial.

B. SUBSTANTIAL INVOLVEMENT. To demonstrate substantial involvement and special competence in Texas civil trial law practice, applicant must, at a minimum, meet the following requirements.

1. Certification.

- a. Percentage of Practice Requirement. Applicant must have devoted a minimum of 35% of his or her time practicing civil trial law in Texas during each year of the three years immediately preceding the application.
- b. Task Requirements. Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in Texas civil trial law. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant.

(1) Applicant must have tried at least 20 civil trials in a court of record in Texas or in federal court that involved an amount in controversy in excess of \$25,000 or significant nonmonetary claims. Of these trials:

- i. at least seven must be jury trials that were conducted by applicant as lead counsel and submitted to the jury;
- ii. no more than seven may be personal injury cases;
- iii. no more than seven may be family law cases; and
- iv. in at least five trials, applicant must have played a significant role in conducting jury selection.

(2) The following types of proceedings may be substituted for three of the other 13 civil trials.

- i. A civil jury trial conducted by applicant as lead counsel in a state court of record *outside* of Texas, but within the United States, where the case was submitted to the jury for decision. The amount in controversy must have exceeded \$25,000, or the case must have involved significant nonmonetary claims. Formal rules of evidence and procedure must have applied in the case.

ii. A civil trial conducted by applicant as lead counsel that concluded before submission to either a jury or the court (in a bench trial) in a court of record in Texas or in federal court. The trial must have concluded: (a) after voir dire, opening statements, and the examination of witnesses in a jury trial; or (b) after opening statements and the examination of witnesses in a bench trial. The amount in controversy must have exceeded \$25,000, or the case must have involved significant non-monetary claims.

iii. An arbitration conducted to a final decision by applicant as lead counsel in which formal rules of evidence and procedure governed the proceeding. The amount in controversy must have exceeded \$25,000, or the case must have involved significant nonmonetary claims.

iv. A criminal jury trial conducted by applicant as lead counsel that resulted in a final verdict in a court of record in Texas or in federal court.

v. A contested administrative proceeding conducted by applicant as lead counsel for a party before a Texas or federal agency. The matter must have been resolved after a hearing on the merits in which witnesses were examined by direct and cross-examination, and a final order must have been issued by the agency. The amount in controversy must have exceeded \$25,000, or the case must have involved significant nonmonetary claims.

vi. A temporary or preliminary injunction hearing conducted by applicant as lead counsel that resulted in a final decision on the temporary or preliminary injunction request. In the hearing, applicant must have presented an opening and closing statement and conducted live direct and cross-examination of witnesses. The amount in controversy must have exceeded \$25,000, or the case must have involved significant non-monetary claims.

2. Recertification. Applicant must have devoted a minimum of 35% of his or her time practicing civil trial law in Texas during each year of the five-year period of certification unless applicant meets the exception in Part I-General Requirements, Section VI, C,1(b).

C. REFERENCE REQUIREMENTS. Applicant must submit a minimum of five names and addresses of persons to be contacted as references to attest to his or her competence in civil trial law. These persons must be substantially involved in civil trial law and be familiar with applicant's civil trial law practice.

1. Certification. Applicant must submit names of persons with whom he or she has had dealings involving civil trial law matters within the three years immediately preceding application.

2. Recertification. Applicant must submit names of persons with whom he or she has had dealings involving civil trial law matters since certification or the most recent recertification.

3. Reference Types. Applicant must submit the following types of references:

a. Four Texas attorneys who are substantially involved in civil trial law. Applicant must have tried a civil trial law matter with or against one of these attorneys.

b. One judge of any court of record in Texas whom applicant has appeared before as an advocate in a civil trial law matter.

TEXAS BOARD OF LEGAL SPECIALIZATION

STANDARDS FOR ATTORNEY CERTIFICATION

PART II

SPECIFIC AREA REQUIREMENTS

These are specific requirements that apply the specialty area listed below. The specific requirements include the definitions, substantial involvement, reference, and other certification and recertification requirements for the specialty area. You will also need to refer to the Standards for Attorney Certification, Part I - General Requirements for requirements that apply to all specialty areas.

SECTION V

CIVIL TRIAL LAW

(Area ID: CT / Year Started: 1978)

A. DEFINITIONS.

1. Civil trial law is the practice of law dealing with litigation of civil controversies in all areas of substantive law before sState and fFederal courts of record.

2. A trial is a contested proceeding in a court of record within the judicial branch of government that ~~which~~ involves the submission of testimonial evidence to a court or jury in support or defense of claims for relief submitted by the parties. A trial ~~shall be deemed to have commenced~~ upon the initial presentation of evidence to the court or jury. ~~For purposes of this definition, a summary judgment proceeding or any other pre-trial proceeding does not constitute a trial. Summary judgment proceedings, other pretrial proceedings, default judgments, and civil appeals are not trials within the meaning of these standards.~~

3. Lead counsel is the lawyer who ~~in a jury case is the role in which an attorney~~ takes primary responsibility for the representation of the client in the case. In a jury case, to be considered lead counsel, applicant ~~must, at a minimum, have made an opening statement or closing argument and conducted significant direct or cross-examination of live witnesses at trial. during trial and whose activities in trial shall at a minimum include:~~

i. ~~conducting jury selection;~~

ii. ~~making an opening statement or making a closing argument; and~~

iii. ~~conducting significant direct or cross-examination of live witnesses at trial.~~

B. SUBSTANTIAL INVOLVEMENT. ~~To demonstrate Applicant must show~~ substantial involvement and special competence in Texas civil trial law practice, applicant ~~must, at a minimum, meet the following requirements. by providing such information as may be required by TBLS.~~

1. Certification.

a. Percentage of Practice Requirement. Applicant must have devoted a minimum of 35% of his or her time practicing civil trial law in Texas during each year of the ~~3~~ three years immediately preceding the application as defined in Section V, A of the Specific Area Requirements for Civil Trial Law.

b. Task Requirements. Applicant must provide information as required by TBLS concerning specific tasks he or she has performed in Texas civil trial law. In evaluating experience, TBLS may take into consideration the nature, complexity, and duration of the tasks handled by applicant.

(1) Applicant must have tried ~~during his or her practice a minimum of at least 20~~ civil trials in a court of record in Texas ~~or in federal court that involving~~ an amount in controversy in excess of \$25,000 or ~~other~~ significant non-monetary claims. Of these trials;

i. ~~a~~At least ~~seven~~ 7 ~~shall must have been~~ be jury trials that were conducted by applicant as lead counsel and submitted to the jury; ~~trier of fact~~ in a court of record in Texas; and

ii. no more than 1/3 seven of the cases submitted by the applicant shall have been may be personal injury cases; and

iii. no more than 1/3 seven shall have been may be family law cases; and

iv. in at least five trials, applicant must have played a significant role in conducting jury selection.

(2) The following types of proceedings may be substituted for three of the other 13 civil trials.

i. A civil jury trial conducted by applicant as lead counsel in a state court of record outside of Texas, but within the United States, where the case was submitted to the jury for decision. The amount in controversy must have exceed \$25,000, or the case must have involved significant nonmonetary claims. Formal rules of evidence and procedure must have applied in the case.

ii. A civil trial conducted by applicant as lead counsel that concluded before submission to either a jury or the court (in a bench trial) in a court of record in Texas or in federal court. The trial must have concluded: (a) after voir dire, opening statements, and the examination of witnesses in a jury trial; or (b) after opening statements and the examination of witnesses in a bench trial. The amount in controversy must have exceeded \$25,000, or the case must have involved significant nonmonetary claims.

iii. An arbitration conducted to a final decision by applicant as lead counsel in which formal rules of evidence and procedure governed the proceeding. The amount in controversy must have exceeded \$25,000, or the case must have involved significant nonmonetary claims.

iv. A criminal jury trial conducted by applicant as lead counsel that resulted in a final verdict in a court of record in Texas or in federal court.

v. A contested administrative proceeding conducted by applicant as lead counsel for a party before a Texas or federal agency. The matter must have been resolved after a hearing on the merits in which witnesses were examined by direct and cross-examination, and a final order must have been issued by the agency. The amount in controversy must have exceeded \$25,000, or the case must have involved significant nonmonetary claims.

vi. A temporary or preliminary injunction hearing conducted by applicant as lead counsel that resulted in a final decision on the temporary or preliminary injunction request. In the hearing, applicant must have presented an opening and closing statement and conducted live direct and cross-examination of witnesses. The amount in controversy must have exceeded \$25,000, or the case must have involved significant nonmonetary claims.

2. Recertification. Applicant must have devoted a minimum of 35% of his or her time practicing civil trial law in Texas during each year of the five 5 year period of certification as defined in Section V, A of the Specific Area Requirements for Civil Trial Law except as provided for unless applicant meets the exception in Part I - General Requirements, Section VI, C,1(b).

C. REFERENCE REQUIREMENTS. Applicant must submit a minimum of five 5 names and addresses of persons to be contacted as references to attest to his or her competence in civil trial law. These persons must be substantially involved in civil trial law; and be familiar with applicant's civil trial law practice.

1. Certification. Applicant must submit names of persons with whom he or she has had dealings involving civil trial law matters within the three 3 years immediately preceding application.

2. Recertification. Applicant must submit names of persons with whom he or she has had dealings involving civil trial law matters since certification or the most recent recertification.

3. Reference Types. Applicant must submit the following types of references:

a. Four Texas attorneys who are substantially involved in civil trial law. Applicant must have tried a civil trial law matter with or against one of these attorneys.

b. One judge of any court of record in Texas whom applicant has appeared before as an advocate in a civil trial law matter.

TRD-201601399
Martha Newton
Rules Attorney
Supreme Court of Texas
Filed: March 24, 2016



In the Supreme Court of Texas

Misc. Docket No. 16-9037

ORDER ADOPTING RULE 14 OF THE RULES OF JUDICIAL ADMINISTRATION

ORDERED that:

1. The Court adopts Rule 14 of the Rules of Judicial Administration. See Acts 2015, 84th Leg., R.S., ch. 186 (S.B. 455) (codified at TEX. GOV'T CODE §22A.001 *et seq.*); TEX. GOV'T CODE §74.024. The rule applies to cases that are filed or pending in the trial court on or after the date of this order.

2. Any person may submit written comments to Rules Attorney Martha Newton at rulescomments@txcourts.gov. The Court requests that comments be submitted by August 31, 2016.

3. The Clerk is directed to:

- a. file a copy of this order with the Secretary of State;
- b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*;
- c. send a copy of this order to each elected member of the Legislature; and
- d. submit a copy of the order for publication in the *Texas Register*.

Dated: March 22, 2016.

Nathan L. Hecht, Chief Justice

Paul W. Green, Justice

Phil Johnson, Justice

Don R. Willett, Justice

Eva M. Guzman, Justice

Debra H. Lehrmann, Justice

Jeffrey S. Boyd, Justice

John P. Devine, Justice

Jeffrey V. Brown, Justice

Rule 14. Special Three-Judge District Court

14.1 Applicability

This rule applies to cases filed in a district court in this state in which the state or a state officer or agency is a defendant in a claim that:

- (a) challenges the finances or operations of this state's public school system; or
- (b) involves the apportionment of districts for the house of representatives, the senate, the State Board of Education, or the United States Congress, or state judicial districts.

14.2 Procedure for Initiating the Creation of a Special Three-Judge District Court

(a) The attorney general may petition the Chief Justice to convene a special three-judge district court in any case to which this rule applies. The petition must be submitted to the Supreme Court clerk for presentation to the Chief Justice. A copy must be filed in the district court in which the case is pending and served on all parties to the case.

(b) The petition must:

- (1) list all parties and counsel and complete contact information for all counsel;
 - (2) state the cause number and style of the case, the district court in which it is pending, and the name of the judge to whom it is assigned;
 - (3) state concisely whether the case falls under Rule 14.1(a) or (b);
 - (4) summarize the dispute and all claims asserted against the state or a state officer or agency;
 - (5) include a certificate of service that complies with Texas Rule of Appellate Procedure 9.5; and
 - (6) include as appendices the live pleadings on file and a copy of the district court's docket sheet for the case.
- (c) Any party may submit a response to the petition within seven days of the date that the petition is filed in the district court. The Chief Justice may shorten the time for submitting a response.
- (d) The filing of a petition under this rule stays all proceedings in the district court until the Chief Justice acts on the petition.

14.3 Action on Petition; Composition of the Special Three-Judge District Court

(a) If a petition establishes the applicability of this rule, the Chief Justice will grant the petition, order the creation of a special three-judge district court, and appoint three persons to serve on the court.

(b) The special three-judge district court will be composed of:

- (1) the district judge of the judicial district to which the original case was assigned;
- (2) one district judge of a judicial district other than a judicial district in the same county as the judicial district to which the original case was assigned; and

(3) one justice of a court of appeals who serves a court of appeals district:

(A) different from the district in which the original case was assigned; and

(B) different from the district in which the district judge appointed under (b)(2) sits.

(c) The Chief Justice will designate the presiding judge of the special three-judge district court.

(d) A judge or justice appointed under (b)(2) or (3) must have been elected to that office and may not be serving an appointed term of office.

14.4 Location of Special Three-Judge District Court; Governing Rules

(a) A special three-judge district court convened under this rule must conduct the trial and all hearings in the district in which the case was filed and may use the courtroom, other facilities, and administrative support of the original district court.

(b) Except as provided by this rule or Chapter 22A, Government Code, the Texas Rules of Civil Procedure and all other statutes and rules applicable to civil litigation in a district court in this state apply to proceedings before a special three-judge district court.

14.5 Actions by Judge or Justice Serving on a Special Three-Judge District Court

(a) With the unanimous consent of the three judges sitting on a special three-judge district court, a judge or justice of the court may:

- (1) independently conduct pretrial proceedings; and
- (2) sign interlocutory orders before trial.

(b) A judge or justice of a special three-judge district court may not independently order a temporary restraining order, temporary injunction, or an order that finally disposes of a claim before the court.

(c) Any independent action taken by one judge or justice of a special three-judge district court related to a claim before the court may be reviewed by the entire court at any time before final judgment.

14.6 Transfer and Consolidation of Related Cases

(a) "Related case" means any case in which the state or a state officer or agency is a defendant that arises from the same nucleus of operative facts as the case before a special three-judge district court, regardless of the legal claims or causes of action asserted in the related case.

(b) On the motion of any party to a case assigned to a special three-judge district court, the special three-judge district court must transfer a related case to itself and consolidate the related case with the case before the court. The special three-judge district court may transfer a related case without the consent of the parties to the related case or of the court in which the related case is pending.

(c) The motion must be in writing and include:

- (1) the cause number, style, court, and name of the judge of the court in which the related case is pending;
- (2) a list of parties and counsel in the related case and complete contact information for all counsel;
- (3) a demonstration that the related case arises from the same nucleus of operative facts as the case before the special three-judge district court;
- (4) the live pleadings on file in the related case; and
- (5) a certificate of service on all parties to the case pending before the special three-judge district court and to the related case.

(d) After a motion to transfer and consolidate a related case is filed, the special three-judge district court or the court in the related case may stay the proceedings in the case before it until the special three-judge district court has ruled on the motion.

14.7 Appeals and Original Proceedings

An appeal from an appealable interlocutory order or from a final judgment of a special three-judge district court is to the Supreme Court under Texas Rule of Appellate Procedure 57. An original appellate proceeding seeking extraordinary relief from an action taken by the special three-judge district court must be filed directly in the Supreme Court under Texas Rule of Appellate Procedure 52.

TRD-201601400
Martha Newton
Rules Attorney
Supreme Court of Texas
Filed: March 24, 2016



Workforce Solutions for the Heart of Texas

Request for Proposal (RFP #13160101)

The Heart of Texas Workforce Development Board, Inc. (dba Workforce Solutions for the Heart of Texas) is soliciting proposals for Workforce Innovation and Opportunity Act (WIOA) Youth Services.

Workforce Solutions for the Heart of Texas is the administrative entity for programs funded by the Texas Workforce Commission and the Department of Labor and serves the counties of Bosque, Falls, Freestone, Hill, Limestone, and McLennan.

The initial contract period will begin on July 1, 2016. Eligible service providers must have extensive knowledge and experience including

a successful track record in youth workforce development programs, state and federal laws and statutes.

The Request for Proposal (RFP) may be obtained by contacting Margie Cintron at (254) 855-6543 or by e-mail at jcintron@grandecom.net. The RFP is also available on the Workforce Solutions for the Heart of Texas website at www.hotworkforce.com. A Bidders' Conference will be held on Tuesday, April 5, 2016, at 1:00 p.m. at the McLennan County Workforce Solutions Center located at 1416 S. New Road, Waco, Texas 76711. Attendance is not mandatory, but strongly recommended.

Proposals are due no later than 4:00 p.m. (CST) Monday, April 25, 2016, via mail, hand-delivery or courier delivery to:

Workforce Solutions for the Heart of Texas

Attn: Margie Cintron

801 Washington Avenue, Suite 700

Waco, Texas 76701

The Heart of Texas Workforce Board, Inc. is an equal opportunity employer/programs and auxiliary aids and services are available upon request to include individuals with disabilities. TTY/TDD via RELAY Texas service at 711 or (TDD) 1-800-735-2989/1-800-735-2988 (voice).

TRD-201601381
Anthony Billings
Executive Director
Workforce Solutions for the Heart of Texas
Filed: March 23, 2016

