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## General Comment

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### Comment

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16 TAC §3.65 and §3.107

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### **Comments concerning proposed rulemakings**

COMMENTS OF TEXAS CONSUMER ASSOCIATION Subject: Title 16, Part 1, Chapter 3, Oil & Gas Division, 16 TAC §3.65, §3.107

During the Winter Storm Uri disaster in Texas, over 50% of Texas' natural gas production failed before electricity providers shed load and cut power to many production and delivery sites on the morning of February 15. This rule does nothing to remedy the causes of that failure, which exacerbated and accelerated the loss of half of ERCOT's natural gas-fired generation fleet during an arctic ice storm. Before Winter Storm Uri, many natural gas facilities were not identified to their electric utilities as critical load nor otherwise protected from load shedding. This rule will address one small piece of the overall gas system failure, yet have minimal impact over the next two years, if ever. To review, this proposed rule specifies the criteria and process for natural gas entities to identify themselves as critical customers to electric providers. Although the proposal reminds us that during Winter Storm Uri, "every molecule of gas was important," this proposed rule is unlikely to yield more gas molecules in future weather emergencies because:

- This rule identifies functional categories of gas entity facilities that qualify as critical for receiving electric service under emergency conditions and deems every facility that performs such functions as critical. The proposed rule directs every critical gas entity to identify its key facilities to its electricity provider using the new form.
- Since the Railroad Commission does not regulate electric utilities, it cannot direct an electric utility to prioritize these critical facilities under load-shed conditions, so there is no guarantee that critical gas facilities will keep power on in a load-shed event.
- This proposed rule allows the gas entity to except a facility by identifying it as non-

critical to the electric utility if that facility is not prepared and winterized against severe weather. In some cases, a facility may in fact be unnecessary for the production and delivery of natural gas, in which case it won't matter if its power is cut in emergency conditions. But in those cases where the facility is actually necessary for natural gas production, processing, storage and delivery, a power cut could harm natural gas availability and delivery and compromise both human and power system needs, as happened in February 2021. This proposed rule effectively gives the gas entity an incentive to save money and not weatherize, increasing the likelihood that it could be frozen and unpowered and incapable of service when needed in a future winter weather emergency. • This rule does not require any independent verification or attestation as to whether the facility is in fact prepared or unprepared to perform during a weather emergency. • This rule does not require gas entities to winterize facilities; that awaits future work by the Railroad Commission and the Gas Mapping Committee, which will not be completed until 2023. Regrettably, this proposed rule implements the clear language of the statute as written in SB3, passed during the 87th legislative session. Thus, its failure to implement anything that substantively improves gas entities' performance in weather emergencies appears to be the Legislature's intent. The Railroad Commission should not mislead either the Legislature or the public by implying that this rule does anything more than create a paperwork requirement for natural gas facilities. This paperwork requirement will not help power system reliability much until more elements of the natural gas system are required to winterize their facilities against future extreme weather conditions. This does little to protect Texans against future cold weather disasters. Commissioners of the Railroad Commission are elected by the people of Texas and serve at the will of Texans. TCA believes the authority to mandate proper weatherization and operating procedures during extreme conditions and inspect facilities for compliance exists now and existed before Winter Storm Uri. Your actions are not restricted to nor limited by the simple language of SB3 but should reflect the desire of Texans to improve natural gas

system performance under freezing conditions, rather than to dodge responsibility and improvement. Given the massive human and economic costs of the natural gas industry's failures to perform before and during Winter Storm Uri, the Texas Railroad Commission should prepare regulations that not only define natural gas facilities as critical, but assure that those critical facilities live up to their critical functions under emergency weather conditions.