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# TEXAS REGISTER

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*Sarah Prowell  
10th Grade*

School children's artwork is used to decorate the front cover and blank filler pages of the *Texas Register*. Teachers throughout the state submit the drawings for students in grades K-12. The drawings dress up the otherwise gray pages of the *Texas Register* and introduce students to this obscure but important facet of state government.

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# THE GOVERNOR

As required by Government Code, §2002.011(4), the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

## Executive Order

### RP 65

*Relating to the immunization of young women from the cancer-causing Human Papillomavirus.*

WHEREAS, immunization from vaccine-preventable diseases such as Human Papillomavirus (HPV) protects individuals who receive the vaccine; and

WHEREAS, HPV is the most common sexually transmitted infection-causing cancer in females in the United States; and

WHEREAS, the United States Food and Drug Administration estimates there are 9,710 new cases of cervical cancer, many of which are caused by HPV, and 3,700 deaths from cervical cancer each year in the United States; and

WHEREAS, the Texas Cancer Registry estimates there were 1,169 new cases and 391 deaths from cervical cancer in Texas in 2006; and

WHEREAS, research has shown that the HPV vaccine is highly effective in preventing the infections that are the cause of many of the cervical cancers; and

WHEREAS, HPV vaccine is only effective if administered before infection occurs; and

WHEREAS, the newly approved HPV vaccine is a great advance in the protection of women's health; and

WHEREAS, the Advisory Committee on Immunization Practices and Centers for Disease Control and Prevention recommend the HPV vaccine for females who are nine years through 26 years of age;

NOW, THEREFORE, I, Rick Perry, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas as the Chief Executive Officer, do hereby order the following:

*Vaccine.* The Department of State Health Services shall make the HPV vaccine available through the Texas Vaccines for Children program for eligible young females up to age 18, and the Health and Human Services Commission shall make the vaccine available to Medicaid-eligible young females from age 19 to 21.

*Rules.* The Health and Human Services Executive Commissioner shall adopt rules that mandate the age appropriate vaccination of all female children for HPV prior to admission to the sixth grade.

*Availability.* The Department of State Health Services and the Health and Human Services Commission will move expeditiously to make the vaccine available as soon as possible.

*Public Information.* The Department of State Health Services will implement a public awareness campaign to educate the public of the importance of vaccination, the availability of the vaccine, and the subsequent requirements under the rules that will be adopted.

*Parents' Rights.* The Department of State Health Services will, in order to protect the right of parents to be the final authority on their children's health care, modify the current process in order to allow parents to submit a request for a conscientious objection affidavit form via the Internet while maintaining privacy safeguards under current law.

This executive order supersedes all previous orders on this matter that are in conflict or inconsistent with its terms and this order shall remain in effect and in full force until modified, amended, rescinded, or superseded by me or by a succeeding governor.

Given under my hand this the 2nd day of February, 2007.

Rick Perry, Governor

TRD-200700365



# THE ATTORNEY GENERAL

The *Texas Register* publishes summaries of the following:  
Requests for Opinions, Opinions, Open Records Decisions.

An index to the full text of these documents is available from  
the Attorney General's Internet site <http://www.oag.state.tx.us>.

Telephone: 512-936-1730. For information about pending requests for opinions, telephone 512-463-2110.

An Attorney General Opinion is a written interpretation of existing law. The Attorney General writes opinions as part of his responsibility to act as legal counsel for the State of Texas. Opinions are written only at the request of certain state officials. The Texas Government Code indicates to whom the Attorney General may provide a legal opinion. He may not write legal opinions for private individuals or for any officials other than those specified by statute. (Listing of authorized requestors: <http://www.oag.state.tx.us/opinopen/opinhome.shtml>.)

Request for Opinions

**RQ-0560-GA**

**Requestor:**

The Honorable Richard Clark

Yoakum County Criminal District Attorney

P.O. Box 359

Plains, Texas 79355

Re: Whether a county may operate a medical clinic in an adjoining county without the consent of the adjoining county (RQ-0560-GA)

**Briefs requested by February 28, 2007**

**RQ-0561-GA**

**Requestor:**

The Honorable Geraldine ("Tincy") Miller

Chair, State Board of Education

1701 North Congress Avenue

Austin, Texas 78701-1494

Re: Whether a governmental body may adopt a rule that requires a vote by a "supermajority" (RQ-0561-GA)

**Briefs requested by March 2, 2007**

**RQ-0562-GA**

**Requestor:**

The Honorable Carlos Valdez

105th Judicial District Attorney

901 Leopard, Room 206

Nueces County Courthouse

Corpus Christi, Texas 78401-3681

Re: Eligibility requirements for candidates for election to the board of regents of Del Mar College District (RQ-0562-GA)

**Briefs requested by March 2, 2007**

**RQ-0563-GA**

**Requestor:**

The Honorable John F. Healey, Jr.

Fort Bend County District Attorney

301 Jackson Street, Suite 258

Richmond, Texas 77469

Re: Whether a visiting judge may be appointed to sit in a newly-created district court before the Governor has made an initial permanent appointment to that court (RQ-0563-GA)

**Briefs requested by March 5, 2007**

**RQ-0564-GA**

**Requestor:**

The Honorable Fred Hill

Chair, Local Government Ways and Means

Texas House of Representatives

Post Office Box 2910

Austin, Texas 78768-2910

Re: Whether communications about legal matters between an appraisal review board and in-house counsel to a county appraisal district violate section 6.411 of the Tax Code (Request No. 0564-GA)

**Briefs requested by March 7, 2007**

**RQ-0565-GA**

**Requestor:**

The Honorable Craig Watkins

Dallas County Criminal District Attorney

Frank Crowley Courts Building

133 North Industrial Boulevard-LB 19

Dallas, Texas 75207-4313

Re: Whether, under particular circumstances, a former district judge may be employed as a prosecutor in the same county in which she sat as a judge (RQ-0565-GA)

**Briefs requested by March 8, 2007**

*For further information, please access the website at [www.oag.state.tx.us](http://www.oag.state.tx.us) or call the Opinion Committee at (512) 463-2110.*

TRD-200700354

Stacey Napier  
Deputy Attorney General  
Office of the Attorney General  
Filed: February 7, 2007



Opinions

**Opinion No. GA-0506**

The Honorable Dennis Bonnen  
Chair, Committee on Environmental Regulation  
Texas House of Representatives  
Austin, Texas 78768-2910

Re: Whether a city may operate a commercial compost/mulch business that sells its products outside the city's limits (RQ-0508-GA)

**S U M M A R Y**

Because a home-rule city's sale of compost products to persons outside the city limits does not generally appear to contravene constitutional or statutory law, and because the Legislature has not with unmistakable clarity forbidden a home-rule city to sell compost products outside its city limits, a home-rule city may sell compost products outside its city limits.

**Opinion No. GA-0507**

The Honorable Laura Garza Jimenez  
Nueces County Attorney  
Nueces County Courthouse  
901 Leopard, Room 207  
Corpus Christi, Texas 78401-3680

Re: Authority of a county attorney to represent the Texas Department of Aging and Disability Services, in prosecuting an application for placement under chapter 593, Health and Safety Code (RQ-0510-GA)

**S U M M A R Y**

A county attorney is not authorized to serve as legal counsel to the Texas Department of Aging and Disability Services, absent its request, in the initiation and prosecution of an application for placement of a person with mental retardation under section 593.041 of the Health and Safety Code. Applicable statutes do not authorize a county attorney to independently initiate and prosecute such an application. However, to the extent a county is an interested person under the statute, a county attorney, when requested and authorized by the commissioners court, may initiate and prosecute a section 593.041 application on behalf of the county.

**Opinion No. GA-0508**

The Honorable Jane Nelson  
Chair, Committee on Health and Human Services  
Texas State Senate  
Post Office Box 12068  
Austin, Texas 78711-2068

Re: Whether the requirements of section 265.004(a) of the Family Code apply to all prevention and early intervention programs funded by the Department of Family and Protective Services (RQ-0513-GA)

**S U M M A R Y**

The requirement for "evidence-based" programs in section 265.004(a) of the Family Code is applicable only to programs of the Department of Family and Protective Services that are "designed to prevent or ameliorate child abuse and neglect" rather than to all programs funded by that Department.

**Opinion No. GA-0509**

The Honorable James L. Keffer  
Chair, Committee on Ways and Means  
Texas House of Representatives  
Post Office Box 2910  
Austin, Texas 78768-2910

Re: Whether a county may require an overweight vehicle to obtain an operating permit in addition to the permit required by the Department of Transportation (RQ-0517-GA)

**S U M M A R Y**

A county commissioners court is not authorized to require the operator of an overweight vehicle to obtain a permit from the county when the operator has obtained a permit from the Department of Transportation under section 623.011, Texas Transportation Code.

*For further information, please access the website at [www.oag.state.tx.us](http://www.oag.state.tx.us) or call the Opinion Committee at (512) 463-2110.*

TRD-200700333  
Stacey Napier  
Deputy Attorney General  
Office of the Attorney General  
Filed: February 6, 2007



# PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

Symbols in proposed rule text. Proposed new language is indicated by underlined text. ~~Square brackets and strikethrough~~ indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

## TITLE 16. ECONOMIC REGULATION

### PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

#### CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

#### SUBCHAPTER S. WHOLESALE MARKETS

##### 16 TAC §25.507

The Public Utility Commission of Texas (commission) proposes new §25.507, relating to Electric Reliability Council of Texas (ERCOT) Emergency Interruptible Load Service (EILS). The new rule will create a new service to be available to ERCOT to maintain electric service for customers if an emergency arises in which electric generation resources are not adequate to supply customers' demand. In such circumstances, ERCOT has the discretion to instruct utilities to interrupt firm service to a limited number of customers, in order to prevent a broader service interruption. The new emergency interruptible load service is intended to provide a means of reducing demand by interrupting service to customers who have offered to be interrupted, for a price, rather than interrupting service to customers who expect to have continuous, reliable service. This new rule is a competition rule subject to judicial review as specified in Public Utility Regulatory Act (PURA) §39.001(e). Project Number 33457 is assigned to this proceeding.

Mr. Jess Totten, Director, Electric Industry Oversight, has determined that for each year of the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Totten has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the proposed section will be fewer involuntary interruptions of electric retail customers. There will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing this section. There may be economic costs to persons who are required to comply with the proposed section. These costs are ERCOT's costs associated with procuring emergency interruptible load from customers who are willing to provide this service. However, Mr. Totten believes that the benefits accruing from implementation of the proposed section will outweigh these costs. Customers will incur costs in participating in the program, but their participation will be voluntary, and it is expected that they will participate only if they expect to receive payments from ERCOT that will result in a net benefit to them.

Mr. Totten has also determined that for each year of the first five years the proposed section is in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act (APA), Texas Government Code §2001.022.

The commission solicits comments on the following:

- 1) Establishing the correct baseline is important to insure that there is actual load available when called upon for interruption. Please comment as to the requirements necessary to create an effective baseline.
- 2) For the EILS program to be effective, participating load cannot curtail on its own leading up to an interruption. What provisions are necessary, if any, to keep load online until ERCOT calls for an interruption?

The commission staff will conduct a public hearing on this rule-making, if requested pursuant to the Administrative Procedure Act, Texas Government Code §2001.029, at the commission's offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701 on Tuesday, March 6, 2007, at 10:00 a.m. The request for a public hearing must be received within 14 days after publication of the proposed section.

Comments on the proposed new section may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 14 days after publication. Sixteen copies of comments on the proposed section are required to be filed pursuant to §22.71(c) of this title. Comments should be organized in a manner consistent with the organization of the proposed rule. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed section. The commission will consider the costs and benefits in deciding whether to adopt the section. All comments should refer to Project Number 33457.

This new section is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §11.002 (Vernon 2000, Supplement 2006) (PURA), which states that it is the purpose of this title to grant to the Public Utility Commission of Texas authority to make and enforce rules necessary to protect customers of electric services consistent with the public interest; Section 14.002 which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically, Section 39.151 which provides that the commission shall adopt and enforce rules relating to the reliability of the regional electrical network and accounting for the production and delivery of electricity among generators and all other market participants. This new section also gives the commission complete authority to oversee an independent organization's (such as ERCOT) budget and operations to ensure that it adequately performs its functions.



Cross Reference to Statutes: Public Utility Regulatory Act §§11.002, 14.002 and 39.151.

§25.507. Electric Reliability Council of Texas (ERCOT) Emergency Interruptible Load Service (EILS).

(a) EILS procurement. ERCOT shall procure EILS, an ancillary service that is intended to be deployed by ERCOT in an Emergency Electric Curtailment Plan (EECP) event prior to ERCOT instructing transmission and distribution service providers to interrupt firm load.

(1) EILS may be procured for one or more of three contract periods:

(A) February through May;

(B) June through September; and

(C) October through January.

(2) Notwithstanding the foregoing, the first EILS contract period shall be from the effective date of this section through May of 2007.

(3) ERCOT may determine cost limits for each EILS contract period in order to ensure that the EILS cost cap is not exceeded.

(4) The maximum amount of EILS for which ERCOT may contract in an EILS contract period is 1,000 megawatts (MW).

(5) The minimum amount of EILS for which ERCOT may contract in an EILS contract period is 500 MW. If ERCOT does not receive enough offers to meet the required minimum amount for a period in which it seeks to procure EILS or cannot procure at least 500 MW for a period in which it seeks to procure EILS due to the EILS cap, ERCOT shall not contract for EILS.

(6) This section will sunset October 1, 2007, provided the following conditions are met:

(A) An alternative long-term solution is approved in the form of a Protocol Revision that meets the requirements of the Public Utility Commission of Texas and ERCOT.

(B) This Protocol Revision must be implemented such that ERCOT has a solution continuously in place with no interruption of the protection offered by EILS.

(C) If a solution is developed, but cannot be implemented by October 1, 2007, EILS will be extended for an additional contract period.

(b) Definitions.

(1) EILS--An ancillary service procured and used by ERCOT in accordance with this section.

(2) EILS contract period--As defined in subsection (a) of this section.

(3) EILS cost cap--The maximum amount ERCOT may spend on the EILS program in a year, February-January. The cost cap is set at \$17 Million for 2007 (April 2007 - January 2008) and \$20 Million for 2008 (February 2008 - January 2009).

(4) EILS non-prime hours--Any hours not defined as EILS prime hours.

(5) EILS prime hours--Hours occurring on a business day (as defined by ERCOT Protocols) during the time frame of hour ending 0900 through hour ending 2000.

(6) EILS resource--Load that is contracted to provide EILS.

(7) EILS time period--EILS prime hours or EILS non-prime hours.

(8) Resource entity--An entity that owns or controls a generation resource or behaves as a LaaR or emergency interruptible load, that can comply with ERCOT instructions to reduce electricity usage or provide an ancillary service.

(c) Participation in EILS. In addition to requirements established by ERCOT, the following requirements shall apply for the provision of EILS:

(1) EILS bids may be submitted to ERCOT by a resource entity or a qualified scheduling entity (QSE) on behalf of resource entity.

(A) Bids may be submitted for EILS prime hours or EILS non-prime hours.

(B) The minimum amount of EILS that may be offered in a bid to ERCOT is one MW. QSEs representing EILS resources may aggregate multiple resources to reach the one MW bid requirement provided that each Electric Service Identifier (ESI ID) in an EILS Resource aggregation has a peak demand of 500 kilowatts (kW) or greater. Such aggregated bids will be considered a single EILS resource.

(2) To qualify to participate in the EILS program, a resource shall meet the technical requirements set out in this paragraph.

(A) Each EILS resource, including each resource participating in an aggregated bid, shall have an ESI ID.

(B) Each EILS resource shall have a dedicated installed Interval Data Recorder (IDR) meter. If the IDR meter is not used for settlement with ERCOT, then the IDR meter and the method and format used to collect and transfer the meter data are subject to ERCOT approval. This subsection also applies to meters behind a Non-Opt-In Entity (NOIE) meter point and behind a private network's settlement meter point.

(C) An EILS resource shall be capable of reducing its load by its contracted capacity compared to its baseline capacity within ten minutes of an ERCOT verbal dispatch instruction (VDI) to its QSE and must be able to maintain performance at contracted levels for the entire period of the EILS deployment.

(D) EILS resources, once deployed, shall be able to return to their contracted operating level for providing EILS within ten hours following the recall instruction.

(E) EILS resources shall be subject to qualification, testing, and performance requirements as developed and administered by ERCOT.

(F) The resource entity responsible for an EILS resource shall be registered as a Resource Entity with ERCOT.

(G) The resource entity shall execute a standard form EILS agreement as developed by ERCOT.

(H) The resource entity shall be served by a QSE qualified to provide ancillary services and capable of communicating with ERCOT and the EILS resource.

(I) An EILS resource shall not provide other ancillary services, including balancing energy services with the same capacity, while under an EILS Agreement.

(3) ERCOT shall establish an individual load baseline for each proposed EILS resource. If the EILS resource is an aggregation of ESI IDs, ERCOT shall take into account the load characteristics of each ESI ID represented by the EILS resource.

(A) ERCOT shall review IDR data from the most recent available 12-month period to determine the baseline consumption. ERCOT may use its own data at its reasonable discretion. If ERCOT does not possess sufficient data, the EILS Resource or its QSE must provide data to ERCOT according to ERCOT's specifications.

(B) The baseline shall be used to verify or establish an EILS Resource's maximum contract amount and to verify the EILS resource's performance as compared to its contracted capacity during an EILS deployment event.

(4) EILS shall be deployed by ERCOT by VDIs in a single phone call to all QSEs providing EILS.

(A) When ERCOT issues a VDI, 100% of the available contracted EILS resources shall be deployed.

(B) ERCOT may deploy EILS at any time during a settlement interval.

(C) An EILS resource entity shall be subject to a maximum of two deployments per EILS contract period lasting no more than eight hours total, unless an EILS deployment is still in effect when the eighth hour lapses, in which case EILS deployment shall continue until ERCOT releases the EILS resource.

(D) ERCOT may conduct a load-shedding test of each resource once a year unless the resource has met its performance obligations during an EILS deployment during the preceding 12 months. ERCOT tests are not "deployments" under subparagraph (C) of this paragraph.

(d) EILS Payment and Charges.

(1) ERCOT shall pay a capacity payment to each QSE representing an EILS resource on an as-bid basis subject to modifications determined by ERCOT based on the EIL resource's availability during an EILS contract period, and the EILS resource's performance in a deployment event.

(2) ERCOT shall charge each QSE a capacity charge for EILS based upon its load ratio share during the relevant EILS time period and EILS contract period.

(3) There shall be no energy payments for providing EILS above and beyond typical load imbalance payments pursuant to the ERCOT protocols.

(4) ERCOT shall settle an EILS contract period via payments and charges on a settlement statement of a single operating day within 70 days following the completion of the EILS contract period.

(5) ERCOT shall make the following available to market participants via market notices and by posting on a publicly accessible section of the ERCOT web site:

(A) Baseline formulas;

(B) Formulas used for wholesale market settlement;  
and

(C) Equations used to determine an EILS resource's compliance with its obligations in an EILS deployment.

(e) Compliance. Resource entities representing EILS resources and QSEs representing EILS resources are subject to penalties for failure to meet their obligations under this section. ERCOT shall withhold all or part of an EILS resource's capacity payment for a contract period if the EILS resource fails to make its committed load available during its committed hours, or fails to meet its load reduction obligations in an EILS deployment event.

(f) Reporting. At the completion of each contract period, ERCOT shall review the effectiveness and benefits of the EILS and report its findings to the commission within 70 days of the completion of the contract period. The report shall contain at a minimum the number of MW procured in each period, the total dollar amount spent, the number and level of EECF events, and the number and duration of deployments.

(g) Implementation. ERCOT shall develop additional procedures, guides, and/or protocols that are consistent with this section and that ERCOT finds necessary to implement EILS, including but not limited to developing a standard form EILS Agreement and establishing specific performance guidelines and grace periods for EILS Resources.

(h) Long-term solution. Any long-term solution must offer ERCOT the ability to avoid shedding firm load by bringing more resources online or curtailing load voluntarily. In this context the commission is interested in:

(1) Better price signals leading up to an EECF event;

(2) Bringing more resources (both interruptible load and generation) online through existing ancillary services;

(3) Examining the priorities set by TDSPs when shedding firm load;

(4) Paragraphs (1) - (3) of this subsection in combination with an EILS program.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on February 2, 2007.

TRD-200700298

Adriana A. Gonzales

Rules Coordinator

Public Utility Commission of Texas

Earliest possible date of adoption: March 18, 2007

For further information, please call: (512) 936-7223



## **TITLE 22. EXAMINING BOARDS**

### **PART 1. TEXAS BOARD OF ARCHITECTURAL EXAMINERS**

#### **CHAPTER 7. ADMINISTRATION**

##### **22 TAC §7.10**

The Texas Board of Architectural Examiners proposes an amendment to §7.10 for Title 22, Chapter 7, pertaining to fees charged by the agency. The reason for the proposed amendment is to reduce the fees charged for renewal of registration. The amendment also increases the charges for the Landscape Architecture Registration Examination and the examination for registration as an interior designer. The fees charged for the examination are set by the examination providers which contract with the agency. The reduction in the renewal fee will result in the reduction of fees charged for late renewals because the extra charge for a late renewal is a percentage of the renewal fee. The amendment will also reduce the fee charged for duplicate registration certificates and eliminate the fee charged for a duplicate pocket card certificate. The reason for the proposed

fee reduction is to align the agency's revenue with its reduced expenditures resulting from automation of agency functions and more efficient agency operations. If adopted, the registration renewal fees for Texas registrants will be reduced by at least \$5.

Cathy L. Hendricks, Executive Director, Texas Board of Architectural Examiners, has determined that for the first five-year period the amended rule is in effect, the revenue paid to the agency will be reduced by \$102,690 per year. There will be no effect to the revenue paid to local government. The fees charged for professional examinations are paid directly to the examination provider. Therefore, the increase in the fees for the landscape architecture and interior design examinations will have no fiscal impact on state or local government.

Ms. Hendricks, has also determined that for the first five-year period the amended rule is in effect the public benefits expected as a result of the amended rule are as follows: a reduction in the cost to maintain registration with the agency. The rule will have a minor positive impact on small business. There will be a reduction in the cost to most persons required to comply with the section. Candidates for the landscape architecture and interior design examination will pay a higher fee to take the examination. The providers for the landscape architecture and the interior design examinations estimate a maximum fee of \$885 and \$720, respectively, in 2007.

Comments may be submitted to Cathy L. Hendricks, RID/ASID/IIDA, Executive Director, Texas Board of Architectural Examiners, P.O. Box 12337, Austin, TX 78711-2337.

The new rule is proposed pursuant to §1051.202, Texas Occupations Code Annotated, which grants the Board general authority to adopt rules to administer or enforce its enabling legislation; §1051.351, Texas Occupations Code Annotated, which requires payment of a renewal fee to renew a certificate of registration issued by the Board; §1051.357, Texas Occupations Code, which allows the Board to charge a registration renewal fee to an emeritus architect in an amount reasonable and necessary to recover the costs to administer emeritus registration; §1051.651, Texas Occupations Code Annotated, which allows the Board to set architectural registration renewal fees in an amount reasonable and necessary to cover administrative costs; §1052.054, Texas Occupations Code Annotated, which allows the Board to set a fee for board action, including renewal of landscape architectural registration renewal, in an amount reasonable and necessary to cover administrative costs of carrying out and enforcing laws relating to landscape architecture; and §1053.052, Texas Occupations Code Annotated, which allows the Board to set fees, including interior design registration renewal fees, in an amount reasonable and necessary to cover administrative costs of carrying out and enforcing laws relating to interior design.

The proposed amendment to §7.10 will have no effect on other statutes.

*§7.10. General Fees.*

(a) (No change.)

(b) In addition to any fees established elsewhere in these rules, by the Act, or by another provision of Texas law, the following fees shall apply to services provided by the Board:

Figure: 22 TAC §7.10(b)

(c) - (f) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on February 2, 2007.

TRD-200700290

Cathy L. Hendricks, RID/ASID/IIDA

Executive Director

Texas Board of Architectural Examiners

Earliest possible date of adoption: March 18, 2007

For further information, please call: (512) 305-8544

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**PART 25. TEXAS STRUCTURAL PEST CONTROL BOARD**

**CHAPTER 593. LICENSES**

**22 TAC §593.1**

The Texas Structural Pest Control Board proposes an amendment to 22 TAC §593.1, Persons Required to Secure License. The proposal is designed to correct a typographical error made during the last amendment to this section in 2005. At that time, the reference in §593.1(a) intended to be made to §1951.003 of the Structural Pest Control Act ("the Act") was inadvertently transcribed as "Section 1951.002" of the Act. The mistaken reference to §1951.002 had made the last sentence of §593.1(a) unintelligible, a problem which will be corrected by this proposed amendment.

Rita Martinez, Acting Executive Director, has determined that there will be no fiscal implications as a result of enforcing or administering the rule. There is no estimated additional cost or estimated reduction in cost for state government. There will be no estimated increase in revenue to state government for the first five-year period the rule will be in effect. There will be no estimated additional cost, estimated reduction in cost, or estimated increase in revenue on local government for the first five-year period the rule will be in effect.

There will be no cost of compliance for small businesses since the rule proposal does not affect them.

There is no cost comparison for small or large businesses since they will not be affected by the rule proposal.

Rita Martinez, Acting Executive Director, has determined that, for each of the first five years the rule as proposed is in effect, the public benefits anticipated as a result of enforcing the rule as proposed will be that individuals who possess an enforcement history in other states will be prevented from moving to Texas and operating.

Comments on the proposal may be submitted to Glen Grunberger, General Counsel, Texas Structural Pest Control Board, P.O. Box 1927, Austin, TX 78767.

The amendment is proposed under the Texas Occupations Code, Chapter 1951, which provides the Texas Structural Pest Control Board with the authority to license and regulate the structural pest control industry.

No other statute, code or article is affected by this proposal.

*§593.1. Persons Required to Secure License.*

(a) Business License--Any person engaged in structural pest control must secure a business license from the Board for each business location, including branch offices, in accordance with the Texas Structural Pest Control Act and the regulations of the Board. Each

business license holder must designate a responsible certified commercial applicator for each business location who is not also serving as a responsible certified commercial applicator for any other business licensee or any other business location. No person shall engage in, offer to engage in, advertise for, solicit, or perform any of the services identified in Section 1951.003 [Section 1951.002] of the Texas Structural Pest Control Act, for compensation, without first obtaining a business license and having a certified commercial applicator certified in each license category in which business is conducted.

(b) - (f) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 31, 2007.

TRD-200700275

Rita Martinez

Acting Executive Director

Texas Structural Pest Control Board

Earliest possible date of adoption: March 18, 2007

For further information, please call: (512) 305-8270



## TITLE 34. PUBLIC FINANCE

### PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

#### CHAPTER 3. TAX ADMINISTRATION

#### SUBCHAPTER O. STATE SALES AND USE TAX

##### 34 TAC §3.313

The Comptroller of Public Accounts proposes amendments to §3.313, concerning cable television service. The proposed amendments implement substantive changes due to the decision in *Sharp v. Clearview Cable TV, Inc.*, 960 S.W.2d 424 (Tex.App.-Austin 1998, pet. denied) relating to equipment that may be purchased for resale by a cable television service provider, and due to the Telecommunications Act of 1996 as it relates to the federal preemption of local taxes on direct-to-home satellite cable television service. Subsections (d), (e), and (g) are amended accordingly. Nonsubstantive changes are made throughout the section to improve clarity and readability.

John Heleman, Chief Revenue Estimator, has determined that for the first five-year period the rule will be in effect, there will be no significant revenue impact on the state or units of local government.

Mr. Heleman also has determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will be in providing additional information concerning taxpayer responsibilities. This rule is adopted under Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses. There is no significant anticipated economic cost to individuals who are required to comply with the proposed rule.

Comments on the proposal may be submitted to Bryant K. Lomax, Manager, Tax Policy Division, P.O. Box 13528, Austin, Texas 78711.

This amendment is proposed under Tax Code, §111.002, which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2.

The amendment implements Tax Code §151.0101(a)(2) and §151.0033.

##### §3.313. Cable Television Service.

(a) Cable television service. Cable television service is the distribution of video programming, with or without the use of wires, to subscribing or paying customers. The term includes direct broadcast satellite service (DBS), subscription television service (STV), satellite master antenna television service (SMATV), master antenna television service (MATV), multipoint distribution service (MDS), and multichannel multipoint distribution service (MMDS), and any audio portion of a video program.

(b) Imposition of tax. The sale of cable television service and any services or expenses connected to the provision of the service are subject to the sales and use tax. Taxable charges include:

(1) (No change.)

(2) charges for video programming services;

(3) charges for taxable items, such as converters and descramblers, transferred to customers;

(4) - (6) (No change.)

(c) Deposits. A deposit that represents future payment for cable television service is part of the sales price of the service and is taxable when the deposit is used to pay for the service. A deposit paid to receive equipment such as a converter that is returned to the cable television service provider when the service is terminated [customer returns the equipment] is not taxable.

(d) Sales for resale [Resale certificate].

(1) Taxable services. A resale certificate may be used to purchase a taxable service[;] tax free if the service will be transferred as an integral part of a taxable cable television service. For example: if a [seller of] cable television service provider provides converters to its customers and a converter is [who has a converter] repaired by a third party, the cable television service provider[; which converter is returned to the customer as part of the service;] may give a resale certificate in lieu of paying tax on the purchased [purchase the] repair service [tax free]. See §3.285 of this title (relating to Resale Certificate; Sales for Resale).

(2) Tangible personal property. A resale certificate may be used to purchase tangible personal property tax free if the care, custody, and control of the property is transferred to the customer as a part of the cable television service. For example, a cable television service provider may give a resale certificate to the seller of converters and remote controls that are provided to customers as part of the sale of the cable television service. See §3.285 of this title.

(e) Taxable purchases. A cable television service provider owes tax [Tax is due] on equipment and supplies that are not transferred to the care, custody, and control of its customer[;] but are used in providing the service. Equipment and supplies purchased out of state and brought or shipped into Texas for use in providing the service are subject to Texas use tax. See §3.346 of this title (relating to Use Tax). Credit will be allowed against the [Texas] use tax for any sales or use tax legally imposed and paid to another state. See §3.338 [§3.340] of

this title (relating to Multistate Tax Credits and Allowance of Credit for Tax Paid to Suppliers [Multistate Tax Credits]). For example, [a cable television service provider [seller] must pay tax on the satellite receiving and transmitting equipment, cables, and wiring that are not located on a customer's premises that are used to provide the [in providing cable television] service [to a customer].

(f) Real property rental. An owner of real property, such as an apartment complex or hotel, that [who] provides cable television service to its [the] residents or guests must collect sales tax on any charge attributable to the cable television service. If the owner does not charge the residents or guests for the service, the owner is the consumer of the service and must pay tax on all taxable items purchased.

(g) Local tax. The sale of cable television service occurs [takes place] at the point of delivery to the customer [consumer]. Cable [Companies selling cable] television service providers must collect local tax, if adopted, for the city, county, transit authority, and any [or] special purpose districts [district] in which delivery is made to the customer [consumer]. However, direct-to-home satellite cable television service programming transmitted or broadcast directly to a customer's premises, including a residence, hotel, or motel, without use of ground receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite is not subject to local tax under the Telecommunications Act of 1996, §602. Equipment used to provide direct-to-home satellite cable television service is subject to local sales and use taxes, unless otherwise exempted by this section.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on February 1, 2007.

TRD-200700281

Martin Cherry

General Counsel

Comptroller of Public Accounts

Earliest possible date of adoption: March 18, 2007

For further information, please call: (512) 475-0387



## **TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

### **PART 20. TEXAS WORKFORCE COMMISSION**

#### **CHAPTER 809. CHILD CARE SERVICES SUBCHAPTER E. REQUIREMENTS TO PROVIDE CHILD CARE**

##### **40 TAC §809.91**

The Texas Workforce Commission (Commission) proposes to amend the following section of Chapter 809 relating to Child Care Services: Subchapter E, Requirements to Provide Child Care, §809.91.

##### **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

The Commission is entrusted by the citizens of the state of Texas to be a responsible steward of public funds. The Commission takes this responsibility seriously, particularly concerning the

health and safety of children. The receipt of public child care funds includes the responsibility to ensure that child care is provided in a safe environment. Commission rules ensure that the health and safety of children receiving Commission-funded child care services are protected by requiring that regulated child care providers--i.e., licensed child care centers, licensed child care homes, and registered child care homes--that care for children in Commission-funded child care be subject to state-mandated and federally required health and safety standards under the supervision of the Texas Department of Family and Protective Services (DFPS). These standards include requiring immunizations for children, conducting periodic health and safety inspections, as well as conducting background checks for criminal history, and checking the Child Protective Services' (CPS) child abuse registry (Texas Human Resources Code, Chapter 42).

Child Care and Development Fund (CCDF) regulations, however, allow states to exempt children who are cared for by relatives from federally mandated minimum health and safety standards (45 C.F.R. §98.41(e)). In the preamble to the CCDF regulations, the Administration for Children and Families (ACF) expressly states that the "intent of the statute was to give grantees (States) the option to exempt certain relatives from the health and safety requirements that all other CCDF child care providers must meet" (*Federal Register*, Vol. 63, No. 142, July 24, 1998, at 39957, or CCDF preamble). The Commission is firmly committed to the principle of parent choice and believes that parents have the right to choose the type of child care provider that best meets their needs, including relative providers. However, the principle of parent choice does not override the principle of ensuring the health and safety of children receiving publicly funded child care services.

Federal regulations also allow states to impose more stringent requirements on child care service providers that receive assistance under CCDF than those requirements imposed on other child care providers, so long as those additional requirements are consistent with the safeguards for parental choice (45 C.F.R. §98.40). Other than prohibiting an individual who appears on the Texas Department of Public Safety's (DPS) Sex Offender Registry from being an eligible relative child care provider, the Commission has not established more stringent requirements for relative child care providers, and as such, these providers are not subject to criminal background checks or child abuse registry checks, as other regulated and listed providers are. Further, the CCDF preamble provides that "with respect to criminal background checks . . . (ACF agrees) that it is appropriate to encourage States to adopt criminal background checks as part of their effort to meet CCDF health and safety standards" (CCDF preamble at 39956). In light of the flexibility afforded states under the CCDF regulations, the Commission has determined that additional requirements for unregulated relative child care providers can be incorporated into existing rules.

In Texas, family homes listed with DFPS are subject to background checks. Although §42.002(9) of the Texas Human Resources Code appears to exempt providers that care exclusively for children who are related to the provider from the definition of "family home," Texas Human Resources Code §42.052(d) states that a family home that provides care exclusively for any number of children related to the caretaker is not required to be listed or registered with DFPS. However, while not requiring a relative child care provider to be listed, §42.052(d) does not prohibit a relative care provider from being listed with DFPS.

Furthermore, DFPS rule at 40 TAC §745.141 states that a child care operation that is considered exempt from DFPS regulations may still apply for a permit from DFPS if the operator is required to have a permit to receive public funding. Therefore, if the Commission requires relative child care providers to list with DFPS as a prerequisite to receiving Commission funds, relative child care providers--based on DFPS rules--will be required to have a criminal background check conducted by DFPS.

The Commission has fully examined both state and federal regulations regarding criminal and child abuse background checks and analyzed the feasibility of requiring background checks of relative providers before authorizing Commission-funded child care. Although Commission rules allows parents the right to choose a relative provider (eligible under 45 C.F.R. §98.2 and §809.91 of this chapter), the Commission has concluded that a parent's right to choose a relative provider cannot come at the expense of placing that child with someone whose criminal or CPS child abuse and neglect history may indicate the individual could potentially endanger the child, particularly when this placement is government funded.

Therefore, the Commission proposes to amend its rules to require relative child care providers to be listed with DFPS, and in doing so, make relative providers subject to criminal background checks, CPS central registry searches, and facility inspection in the event of a complaint of suspected child abuse or neglect.

## PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

The Commission proposes the following amendments to §809.91 Minimum Requirements for Providers.

Section 809.91(b) provides the requirements for child care providers listed with DFPS. Section 809.91(b)(1) states that Local Workforce Development Boards (Boards) shall not prohibit a relative child care provider who is listed with DFPS and meets the eligibility requirements of §809.91 from being an eligible relative child care provider. The Commission includes this statement to clarify that although §809.91(b)(2) allows Boards the option not to include listed family homes as eligible child care providers, Boards do not have the option to exclude relative providers listed with DFPS as eligible relative child care providers.

Section 809.91(b)(2) gives Boards the option to include listed family homes as eligible providers, as long as the Boards ensure that there are local laws in effect that protect the health and safety of children. The Commission adds language to clarify that this option applies only to listed family homes, as defined in §809.2(12) of this chapter, that provide care for children unrelated to the provider. This provision is consistent with 45 C.F.R. §98.41(e), which does not allow states to exempt non-relative child care providers from health and safety standards.

Section 809.91(f), which prohibits an individual who appears on the DPS Sex Offender Registry from being an eligible relative child care provider, is removed.

New §809.91(f) is a broader provision designed to ensure that a criminal background check on a relative child care provider is conducted by DFPS prior to authorizing care with the relative provider. The new subsection requires that relative child care providers shall list with DFPS to ensure that a criminal back-

ground check and a check of the CPS central registry is conducted prior to authorizing care with that relative.

The Commission emphasizes that the criminal background check and the check of individuals on the CPS central registry of child abuse and neglect will be conducted by DFPS using its current application and background check procedures for listed family homes. The Commission does not intend for a Board or the Board's child care contractor to conduct any of the functions associated with the listing process.

Prior to authorizing child care, the child care contractor must inform the parent that the prospective relative must be listed with DFPS and provide the application--or notify the relative how to access the application--for listing with DFPS. The relative must submit the application along with the \$20 annual fee to DFPS and DFPS will conduct the necessary background checks. If there is no criminal history match or match on the CPS central registry of child abuse and neglect, DFPS will inform the relative that no matches occurred and will issue a listing to the relative. Once the listing is issued, the relative will be eligible to provide Commission-funded child care services for the eligible child. DFPS has informed the Commission that background checks usually are completed within 48 hours and the listing issued to the relative within one week of receiving the application. The Board's sole responsibility is to ensure that the child care contractor verifies that the relative is listed with DFPS, which can be authenticated by viewing the listing permit that DFPS provides to the relative. DFPS also has informed the Commission that once the listing is issued, the DFPS Web site is updated the next day. The child care contractor also can verify the listing through the DFPS Web site.

The Commission emphasizes that the child care contractor cannot authorize the relative to receive Commission child care funds until DFPS issues the listing to the relative. Additionally, the Commission does not intend that relative child care providers be reimbursed retroactively for child care provided to the eligible child by the relative pending the results of the DFPS background checks.

In addition, new §809.91(f) states that in all other respects, relatives listed with DFPS are exempt from the CCDF health and safety requirements at 45 C.F.R. §98.41(a). This provision is consistent with 45 C.F.R. §98.41(e), which allows states to exempt relative child care providers from health and safety standards. Specifically, other than the background checks required of child care providers listing with DFPS, relative providers who care for children receiving Commission-funded child care services are exempt from standards related to the prevention and control of infectious disease; building and physical premises safety; and minimum health and safety training.

## PART III. IMPACT STATEMENTS

Randy Townsend, Chief Financial Officer, has determined that for each year of the first five years the rules will be in effect, the following statements will apply:

Based on the Agency's estimates of approximately 15,000 per year of self-arranged care providers who will choose to apply to become listed family homes, and DFPS' cost estimates for processing this number of listed family homes, including associated criminal background checks (conducted by DPS), CPS central registry checks, and facility inspection in the event of a complaint of suspected child abuse or neglect, we estimate the additional cost to the state, as a result of enforcing or administering the

rule, to be approximately \$41 per relative provider home listed in Fiscal Year 2008 and \$37 in each of the succeeding four years.

There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. We estimate an increase in revenue to the state of \$20 for each relative home listed per year (a required DFPS fee). There are no estimated reductions in revenue to the state and to local governments as a result of enforcing or administering the rules.

Mr. Townsend has determined that administering or enforcing the rules may have implications relating to child care costs for Boards, although it is unclear whether this rule would influence or otherwise affect the proportion of children in subsidized child care who are in relative child care arrangements.

Mr. Townsend has determined that the anticipated economic costs to persons required to comply with the rules is \$20 annually, based on the current DFPS licensing fee for listed homes. Other fees that may become necessary as a result of changes in law may affect this anticipated economic cost.

Mr. Townsend also has determined that there is no anticipated adverse economic impact on small businesses or microbusinesses as a result of enforcing or administering these rules because they are not regulated or otherwise affected by this rule.

Mark Hughes, Director, Labor Market Information, has determined that there is no significant negative impact upon employment conditions in this state as a result of the proposed rules. Mr. Hughes does not expect any significant impact upon overall employment conditions in the state as a result of the proposed rules.

Laurence M. Jones, Director, Workforce Development Division, has determined that the public benefit anticipated as a result of enforcing the proposed rules will be to ensure that child care funds are used for child care services that promote a safe environment for children.

The Agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the Agency's legal authority to adopt.

#### PART IV. COORDINATION ACTIVITIES

In the development of these rules for publication and public comment, the Commission sought the involvement of Texas' 28 Boards. The Commission provided the policy concept regarding these rule amendments to the Boards for consideration and review. The Commission also conducted conference calls with Board executive directors and Board staff on January 5, 2007, to discuss the policy concept. Additionally, the Commission sought the involvement of DFPS. During the rulemaking process, the Commission considered all information gathered in order to develop rules that provide clear and concise direction to all parties involved.

Comments on the proposed rules may be submitted to TWC Policy Comments, Policy and Development, 101 East 15th Street, Room 440T, Austin, Texas 78778; faxed to (512) 475-3577; or e-mailed to TWCPolicyComments@twc.state.tx.us. The Commission must receive comments postmarked no later than 30 days from the date this proposal is published in the *Texas Register*.

The rules are proposed under Texas Labor Code §301.0015 and §302.002(d), which provide the Commission the authority to adopt, amend, or repeal such rules as it deems necessary

for the effective administration of Agency services and activities, and the Texas Human Resources Code §44.002, regarding Administrative Rules.

The proposed rules will affect Texas Labor Code, Title 4, particularly Chapters 301 and 302, as well as Texas Government Code, Chapter 2308.

#### §809.91. Minimum Requirements for Providers.

(a) A Board shall ensure that child care subsidies are paid only to:

(1) regulated child care providers as described in §809.2(17);

(2) relative child care providers as described in §809.2(18), subject to the requirements in subsections (e) and (f) of this section; or

(3) at the Board option, listed family homes as defined in §809.2(12), subject to the requirements in subsection (b)(2) [~~subsection (b)~~] of this section.

(b) For providers listed with DFPS, the following applies:

(1) A Board shall not prohibit a relative child care provider who is listed with DFPS and meets the minimum requirements of this section from being an eligible relative child care provider.

(2) If a Board chooses to include listed family homes, as defined in §809.2(12), that provide care for children unrelated to the provider, a Board shall ensure that there are in effect, under local law, requirements applicable to the listed family homes designated to protect the health and safety of children. Pursuant to 45 C.F.R. §98.41, the requirements shall include:

(A) [~~(1)~~] the prevention and control of infectious diseases (including immunizations);

(B) [~~(2)~~] building and physical premises safety; and

(C) [~~(3)~~] minimum health and safety training appropriate to the child care setting.

(c) - (e) (No change.)

(f) To be eligible for reimbursement for Commission-funded child care services, relative child care providers shall list with DFPS; however, pursuant to 45 C.F.R §98.41(e), relative child care providers listed with DFPS shall be exempt from the health and safety requirements of 45 C.F.R. §98.41(a).

[(f) An individual appearing on the Texas Department of Public Safety's Sex Offender Registry, pursuant to Chapter 62 of the Texas Code of Criminal Procedure, shall not be eligible to be a relative child care provider.]

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 30, 2007.

TRD-200700254

Reagan Miller

Deputy Director for Workforce and UI Policy

Texas Workforce Commission

Earliest possible date of adoption: March 18, 2007

For further information, please call: (512) 475-0829



# WITHDRAWN RULES

Withdrawn Rules include proposed rules and emergency rules. A state agency may specify that a rule is withdrawn immediately or on a later date after filing the notice with the Texas Register. A proposed rule is withdrawn six months after the date of publication of the proposed rule in the Texas Register if a state agency has failed by that time to adopt, adopt as amended, or withdraw the proposed rule. Adopted rules may not be withdrawn. (Government Code, §2001.027)

## TITLE 34. PUBLIC FINANCE

### PART 3. TEACHER RETIREMENT SYSTEM OF TEXAS

#### CHAPTER 25. MEMBERSHIP CREDIT

##### SUBCHAPTER B. COMPENSATION

###### 34 TAC §25.31

The Teacher Retirement System of Texas withdraws the proposed amendments to §25.31 which appeared in the November 10, 2006, issue of the *Texas Register* (31 TexReg 9213).

Filed with the Office of the Secretary of State on January 31, 2007.

TRD-200700276

Ronnie Jung

Executive Director

Teacher Retirement System of Texas

Effective date: January 31, 2007

For further information, please call: (512) 542-6438





# ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text as published in the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

## TITLE 1. ADMINISTRATION

### PART 1. OFFICE OF THE GOVERNOR

#### CHAPTER 3. CRIMINAL JUSTICE DIVISION

##### SUBCHAPTER H. CRIME STOPPERS

##### PROGRAM CERTIFICATION

##### DIVISION 1. CRIME STOPPERS PROGRAM CERTIFICATION

###### 1 TAC §§3.9000, 3.9007, 3.9011

The Crime Stoppers Advisory Council (Council) adopts the amendment of Subchapter H §3.9000 without changes to the proposed text as published in the December 1, 2006, issue of the *Texas Register* (31 TexReg 9669).

The Council adopts the addition of Subchapter H §3.9007 and §3.9011 without changes to the proposed text as published in the December 1, 2006, issue of the *Texas Register* (31 TexReg 9669).

The amendment to §3.9000 allows the Council to examine whether a board member's occupation conflicts with the purposes of crime stoppers and assists the Council in obtaining relevant contact information that enables the Council to communicate more effectively with crime stoppers organizations. Additionally, the amendment recognizes that probation fees are not only disbursed to crime stoppers organizations by community supervisions and corrections departments, but are also disbursed by courts and other government agencies.

The addition of §3.9007 ensures that each complaint or allegation made against a crime stoppers organization is accurately presented to the Council and allows the Council time to properly analyze and assess the merits of each complaint or allegation. The addition also clarifies that the Council may only consider complaints or allegations made against the types of crime stoppers organizations that are subject to the Council's authority to certify or decertify.

The addition of §3.9011 assists the Council in obtaining up-to-date information regarding certified crime stoppers organizations so that the Council may communicate more effectively with these organizations.

No comments were received regarding adoption of the amendment or addition of these rules.

The amendment of §3.9000, and the addition of §3.9007 and §3.9011, are adopted under the Texas Government Code, §414.006, which provides the Council with the authority to adopt rules to carry out its functions.

The amendment of §3.9000 implements the Texas Government Code, §414.011(a), which requires the Council to certify qualified crime stoppers organizations to receive payments and reward repayments.

The addition of §3.9007 implements the Texas Government Code, §414.011(d), which authorizes the Council to decertify a crime stoppers organization if it determines that the organization no longer meets the certification requirements.

No other statutes, articles, or codes are affected by the amendment and addition of these rules.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 2, 2007.

TRD-200700292

David Zimmerman

Assistant General Counsel

Office of the Governor

Effective date: February 22, 2007

Proposal publication date: December 1, 2006

For further information, please call: (512) 936-0181



## PART 2. TEXAS ETHICS COMMISSION

### CHAPTER 20. REPORTING POLITICAL

#### CONTRIBUTIONS AND EXPENDITURES

##### SUBCHAPTER B. GENERAL REPORTING RULES

###### 1 TAC §20.62

The Texas Ethics Commission adopts new §20.62, regarding the reporting of a political expenditure made out of personal funds by a staff member of either a candidate, officeholder, or political committee. The new rule is adopted without changes to the proposed text as published in the December 22, 2006, issue of the *Texas Register* (31 TexReg 10219) and will not be republished.

Section 20.62 would provide a simplified method for reporting political expenditures made out of personal funds by a staff member of a candidate, an officeholder, or a political committee that are reimbursed during the same reporting period and that in the aggregate do not exceed \$500 and would clarify how reimbursement to staff members that do not fit that criteria are reported. Ethics Advisory Opinion No. 450 (2003) would be superseded by the rule.

No comments were received regarding the proposed rule during the comment period.

The new §20.62 is adopted under Government Code, Chapter 571, Section 571.062, which authorizes the commission to adopt rules concerning the laws administered and enforced by the commission.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 5, 2007.

TRD-200700302  
Natalia Luna Ashley  
General Counsel  
Texas Ethics Commission  
Effective date: February 25, 2007  
Proposal publication date: December 22, 2006  
For further information, please call: (512) 463-5800



## CHAPTER 24. RESTRICTIONS ON CONTRIBUTIONS AND EXPENDITURES APPLICABLE TO CORPORATIONS AND LABOR ORGANIZATIONS

### 1 TAC §24.1

The Texas Ethics Commission (commission) adopts an amendment to §24.1, relating to the types of corporations to which certain restrictions apply. The amendment is adopted without changes to the proposed text as published in the December 22, 2006, issue of the *Texas Register* (31 TexReg 10220) and will not be republished.

Section 24.1 would update the current rule to add certain types of corporations organized under the new "Texas Business Organizations Code" (BOC) to the list of corporations subject to the corporate restrictions in Title 15 of the Election Code. Currently, under §253.091 of the Election Code, the corporate restriction applies to corporations organized under the Texas Business Corporation Act, the Texas Non-Profit Corporation Act, federal law, or law of another state or nation. However, beginning on January 1, 2006, businesses no longer organize under the Texas Business Corporation Act or the Texas Non-Profit Corporation Act. Instead, these same type businesses organize under the new BOC.

No comments were received regarding the proposed rule during the comment period.

The amendment to §24.1 is adopted under Government Code, Chapter 571, §571.062, which authorizes the commission to adopt rules concerning the laws administered and enforced by the commission.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 5, 2007.

TRD-200700303  
Natalia Luna Ashley  
General Counsel  
Texas Ethics Commission  
Effective date: February 25, 2007  
Proposal publication date: December 22, 2006  
For further information, please call: (512) 463-5800



## CHAPTER 50. LEGISLATIVE SALARIES AND PER DIEM

### 1 TAC §50.1

The Texas Ethics Commission adopts an amendment to §50.1, to set the legislative per diem as required by the Texas Constitution, Article III, §24a. The amendment is adopted without changes to the proposed text as published in the December 22, 2006, issue of the *Texas Register* (31 TexReg 10220) and will not be republished.

Section 50.1 sets the per diem for members of the legislature and the lieutenant governor at \$139 for each day during the regular session and any special session.

No comments were received regarding the proposed rule during the comment period.

This amendment is adopted under the Texas Constitution, Article III, §24a, and the Government Code, Chapter 571, §571.062.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 2, 2007.

TRD-200700296  
Natalia Luna Ashley  
General Counsel  
Texas Ethics Commission  
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For further information, please call: (512) 463-5800



## PART 3. OFFICE OF THE ATTORNEY GENERAL

### CHAPTER 70. COST OF COPIES OF PUBLIC INFORMATION

#### 1 TAC §§70.1 - 70.4, 70.6 - 70.8, 70.10, 70.11

The Office of the Attorney General (the "OAG") adopts amendments to 1 TAC §§70.1 - 70.4, 70.6 - 70.8, 70.10, and 70.11, relating to a governmental body's charges for providing copies of public information under Chapter 552 of the Texas Government Code (The Public Information Act). The amendment to §70.1(b)(2) is adopted with a minor change to the proposed text as published in the December 29, 2006, issue of the *Texas Register* (31 TexReg 10447). The remaining amendments are

adopted without changes to the proposed text in the December 29, 2006, issue and will not be republished.

The adopted amendments to §§70.1 - 70.4, 70.6 - 70.8, 70.10 and 70.11 implement Senate Bill ("SB") 452 and SB 727, enacted by the 79th Legislature, Regular Session (2005), which amend Chapter 552 by transferring all duties relating to the Public Information Act to the OAG. The adopted amendments will also implement several changes recommended by the Open Records Steering Committee.

No comments were received regarding the adoption of the amendments.

The amendments to §§70.1 - 70.4, 70.6 - 70.8, 70.10, and 70.11 are adopted pursuant to the rulemaking authority granted to the OAG under Texas Government Code §552.262 and §552.269.

The OAG hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the OAG's legal authority.

*§70.1. Purpose.*

(a) The Office of the Attorney General (the "Attorney General") must:

(1) Adopt rules for use by each governmental body in determining charges under Texas Government Code, Chapter 552 (Public Information) Subchapter F (Charges for Providing Copies of Public Information);

(2) Prescribe the methods for computing the charges for copies of public information in paper, electronic, and other kinds of media; and

(3) Establish costs for various components of charges for public information that shall be used by each governmental body in providing copies of public information.

(b) Governmental bodies must use the charges established by these rules, unless:

(1) Other law provides for charges for specific kinds of public information;

(2) They are a governmental body other than a state agency, and their charges are within a 25 percent variance above the charges established by the Attorney General;

(3) They request and receive an exemption because their actual costs are higher; or

(4) In accordance with Chapter 552 of the Texas Government Code (also known as the Public Information Act), the governmental body may grant a waiver or reduction for charges for providing copies of public information pursuant to §552.267 of the Texas Government Code.

(A) A governmental body shall furnish a copy of public information without charge or at a reduced charge if the governmental body determines that waiver or reduction of the fee is in the public interest because furnishing the information primarily benefits the general public; or

(B) If the cost to the governmental body of processing the collection of a charge for a copy of public information will exceed the amount of the charge, the governmental body may waive the charge.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 2, 2007.

TRD-200700291

Stacey Napier

Deputy Attorney General

Office of the Attorney General

Effective date: February 22, 2007

Proposal publication date: December 29, 2006

For information regarding this publication, contact Lauri Saathoff, Agency Liaison, at (512) 463-2096.

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**TITLE 10. COMMUNITY DEVELOPMENT**

**PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

**CHAPTER 1. ADMINISTRATION**

**SUBCHAPTER A. GENERAL POLICIES AND PROCEDURES**

**10 TAC §1.18**

The Texas Department of Housing and Community Affairs (the Department) adopts new §1.18, concerning Colonia Housing Standards, as published in the October 27, 2006, issue of the *Texas Register* (31 TexReg 8793). Section 1.18 is being adopted without changes, and therefore, will not be republished.

This section is adopted to provide decent, safe, sanitary and affordable housing for low income and moderate income citizens of Texas in pursuant to the authority of the Texas Government Code, Chapter 2306.

The scope of the public comment concerning the Colonia Housing Standards pertains to the following sections:

SUMMARY OF COMMENT RECEIVED UPON PUBLICATION OF THE PROPOSED RULES IN THE *TEXAS REGISTER* AND COMMENTS PROVIDED AT PUBLIC HEARINGS HELD BY THE DEPARTMENT ON ITEMS THAT RELATE DIRECTLY TO Colonia Housing Standards Rule.

**§1.18 Purpose**

Comment: Webb County Community Action Agency Self-Help Center - The commenter suggested that the Department should allow for a waiver of the Colonia Housing Standards in order to provide colonias with infrastructure services such as water and wastewater.

Department Response: The Colonia Housing Standards do not prevent the installation of infrastructure services. State and local legislation prevents the installation of certain infrastructure services without the presence of financial assurance of the installation of other certain services. The Colonia Housing Standards simply provide a minimum set of residential construction standards that are appropriate for extremely poor areas yet still provide for safe, decent and secure housing. Staff recommends no revisions to the Colonia Housing Standards.

The new section is adopted pursuant to the authority of the Texas Government Code, Chapter 2306.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 5, 2007.

TRD-200700311

Michael Gerber

Executive Director

Texas Department of Housing and Community Affairs

Effective date: February 25, 2007

Proposal publication date: October 27, 2006

For further information, please call: (512) 475-4595



## CHAPTER 3. COLONIA SELF-HELP CENTER PROGRAM

### 10 TAC §§3.1 - 3.18

The Texas Department of Housing and Community Affairs (the Department) adopts, with changes, new 10 TAC §§3.1 - 3.18, concerning the Colonia Self-Help Center Program, as published in the October 27, 2006, issue of the *Texas Register* (31 TexReg 8805). Sections 3.2, 3.11, 3.14, and 3.15 had changes and will be republished. Sections 3.1, 3.3 - 3.10, 3.12, 3.13, and 3.16 - 3.18 did not have changes and, therefore, will not be republished.

These sections are adopted in order to maintain stand alone rules for the Colonia Self-Help Center Program in order to conform to Subchapter Z of Chapter 2306 of the Texas Government Code.

The scope of the public comment concerning the Colonia Self-Help Center Program pertains to the following sections:

#### SUMMARY OF COMMENT RECEIVED UPON PUBLICATION OF THE PROPOSED RULES IN THE *TEXAS REGISTER* AND COMMENTS PROVIDED AT PUBLIC HEARINGS HELD BY THE DEPARTMENT ON ITEMS THAT RELATE DIRECTLY TO COLONIA SELF-HELP CENTER PROGRAM RULES.

**General Comment:** The commentator stated that multiple dwellings are a big problem in Webb County; the County is restricted by rules and regulations on assisting multiple dwellings. The County would like some type of waiver to assist these property owners with housing rehabilitation. Webb County Community Action Agency Self-Help Center.

**Staff Response:** There is no federal, state or programmatic prohibition against assisting the low to moderate income residents of multiple dwellings on a single lot as long as it is consistent and in compliance with local policy. Local utility service providers for services such as water, wastewater, or electricity may impose policies that limit the provision of meters to one meter per lot. Also, through the development of housing guidelines which must be approved by the Department, a county may, at its discretion, limit the provision of housing rehabilitation services to one residence on one lot or only serve lots with a single dwelling.

#### §3.2. Definitions

**Comment:** The commentator stated that the term Colonia Self-Help Center provider is not defined in the program rules. El Paso County Planning & Development Department.

**Staff Response:** Staff recommends that §3.2. Definitions are revised to add the following definition to the Colonia Self-Help Center Program Draft Rules.

#### §3.11. Distribution of Funds and Proposal Requirements

**Comment:** The commentators asked if the County could conduct the Request for Proposal (RFP) process to select a Colonia Self-Help Center provider after the contract has been executed instead of conducting the RFP process before a contract is executed with the Department. In addition, request that more time be given for RFP submission from 90 days to 120 days to allow all parties to review contract with a seamless transaction. El Paso County Planning & Development Department and Community Development Corporation of Brownsville.

**Staff Response:** Staff recommends no change to the RFP process. The current process outlined in the Colonia Self-Help Center Draft Rules allows the county and the nonprofit organization selected as the Colonia Self-Help Center provider the opportunity to jointly develop the application for the Colonia Self-Help Center Program. Staff believes that this cooperation will produce projects that will reflect both the long-term development goals of the county and the strengths of the Colonia Self-Help Center provider instead of making the county choose between various one-sided proposals for what an organization intends to do with the funding. However, staff agrees that more time should be given to the RFP process and that the amount expended be reduced to 80% in order to allow the county to conduct and clear any issues relating to the project start-up (proposal review, C-RAC meeting, board approval, contract award, and environmental) as well as to avoid a break in service between the county and the nonprofit organization selected as the Colonia Self-Help Center provider, staff recommends the following changes to:

#### §3.13. Threshold Selection Criteria

**Comment:** The commentator stated that the preferred experience of the Colonia Self-Help Center provider be revised in order to allow those organizations who have a higher capacity but with less experience the opportunity to apply as a Colonia Self-Help Center provider. The amount of experience an organization has does not always equate with the capacity. Proyecto Acteca.

**Staff Response:** Staff recommends no change to this rule. In order to ensure sufficient capacity and experience, staff will continue to provide technical assistance to the Contractors and Colonia Self-Help Center provider in order to meet §3.13. Threshold Selection Criteria.

#### §3.14. Expenditure Threshold Requirements

**Comment:** The commentators requested that the expenditure threshold requirements set by the Department be revised, the current expenditure thresholds outlined in the Colonia Self-Help Center Draft Rules are unrealistic to reach under the Colonia Self-Help Center Program due to the length of time that is necessary to conduct the environmental assessment, project start-up, and other administration duties that need to be cleared by the Department before the Contractors and Colonia Self-Help Center provider can start to obligate and expend any funds. Webb County Community Action Agency Self-Help Center, El Paso County & Development Department, Hidalgo County and Urban County Program, Cameron County and Community Development Corporation of Brownsville.

**Staff Response:** Staff recommends that §3.14. Expenditure Threshold Requirements is revised to allow more time to be

given to the Contractors to initiate environmental review and clear any issues relating to the project start-up before obligating or expending any funds that could result in not achieving the program objectives and possible financial liabilities to the Department for unallowable or unsupported expenditures. The Contractors and Colonia Self-Help Center provider will be required to submit program information at the detailed project activity level that specifies all progress made towards meeting contract performance and expenditure threshold requirements in addition to the summary information collected at the contract level. Upon receipt of program information, staff will track progress through the ORACLE database system and quarterly reports.

#### §3.15 Contract Delivery Administration (d) Request for Payments

Comment: The commentator stated that the monthly submission of request for payments required under the Colonia Self-Help Program Draft Rule is not feasible to reach at times when Contractors are doing procurement procedure for some of the activities which could result in slow production and, therefore, Contractors should be allowed to submit on a needed basis. Cameron County.

Staff Response: Staff recommends that §3.15. Contract Delivery Administration is revised in order to ensure compliance with federal cost principles and address any disallowed cost and/or procurement issues within the period covered by any one request for payment as well as allow the Contractors time to prepare and submit a completed request for payment. Cameron County.

#### §3.15. Contract Delivery Administration - (g) Inspections

Comment: The commentators stated that the use of an independent inspector, over use of the City or County building official, adds increased costs; slows down production; and adds additional interpretation to what the local City, County, or Colonia Housing Standards require. Cameron County and Community Development Corporation of Brownsville.

Staff Response: Staff recommends that §3.15. Contract Delivery Administration - (g) Inspections is revised in order to demonstrate due diligence in the administration of Self-Help Center funds and ensure a lasting benefit to the colonia residents.

#### §3.18. Sanction/Deobligation

Comment: The commentators recommended that the Sanction/Deobligation rule be waived for older contracts already in place and apply the Sanction/Deobligation to new contracts after the effective date of the Rules as adopted. Webb County Community Action Agency Self-Help Center, El Paso County Planning & Development Department, El Paso County Colonia Self-Help Center, Hidalgo County and Urban Development Program, Cameron County and Community Development Corporation of Brownsville.

Staff Response: Staff recommends no change to this rule. Staff will work with each respective Contractor who has an executed contract with the Department and evaluate its contract performance in order for the Department to be able to apply the appropriate rule(s) and assist the Contractors with any program issues in order to avoid taking any Sanction/Deobligation measures against the Contractor.

The new sections are adopted pursuant to the authority of the Texas Government Code, Chapter 2306.

#### §3.2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Applicant--A unit of general local government who is preparing to submit or has submitted a Proposal for Colonia Self-Help Center funds.

(2) Board--The governing board of the Texas Department of Housing and Community Affairs.

(3) C-RAC--Colonia Residents Advisory Committee.

(4) Contract Budget--The exhibit of a contract which specifies in detail the contract funds by budget category, which is used in the drawdown processes. The budget also includes all other funds involved that are necessary to complete the performance statement specifics of the contract.

(5) Colonia--A geographic area located in a county some part of which is within 150 miles of the international border of this state and that:

(A) Has a majority population composed of individuals and families of low income and very low income, based on the federal Office of Management and Budget poverty index, and meets the qualifications of an economically distressed area under §17.921, Water Code.

(B) Has the physical and economic characteristics of a colonia, as determined by the Department and was in existence as a colonia prior to November 28, 1990.

(6) Colonia Self-Help Center provider--An organization with which the Contractor has an executed contract to administer Colonia Self-Help Center funds.

(7) Community Action Agency--A political subdivision, combination of political subdivisions, or nonprofit organization that qualifies as an eligible entity under 42 U.S.C. §9902.

(8) Community Development Block Grant (CDBG) nonentitlement area funds--The funds awarded to the State of Texas pursuant to the Housing and Community Development Act of 1974, Title I, as amended, (42 United States Code §5301 et seq.) and the regulations promulgated thereunder in 24 Code of Federal Regulations Part 570.

(9) Contract--A written agreement including all amendments thereto, executed by the Department and Contractor which is funded with Community Development Block Grant nonentitlement area funds.

(10) Contractor--A unit of general local government with which the Department has executed a contract.

(11) County--A unit of general local government eligible to administer Colonia Self-Help Center funds.

(12) Department--The Texas Department of Housing and Community Affairs.

(13) Executive Director--The Executive Director of the Department.

(14) HUD--The United States Department of Housing and Urban Development, or its successor.

(15) Implementation Manual--A set of guidelines designed to be an implementation tool for the Contractor that have been awarded Community Development Block Grant Funds and allows the contractor to search for terms, rules, procedures, forms and attachments.

(16) Income Eligible Families--

(A) Low-and moderate income families means families whose annual incomes do not exceed 80% of the median income of the area, as determined by HUD and published by the Department, with adjustments for family size.

(B) Very low-income families means families whose annual incomes do not exceed 50% of the median family income for the area, as determined by HUD and published by the Department, with adjustments for family size.

(17) Needs assessment--The county must prepare a demographic and characteristics study of the colonias residing in the target area and the housing needs that the Colonia Self-Help Center is designed to address, using qualitative and quantitative information and other source documentation.

(18) Nonentitlement area--An area which is not a metropolitan city or part of an urban County as defined in 42 United States Code, §5302.

(19) Nonprofit organization--A public or private organization that:

(A) Is organized under state or local laws;

(B) Has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

(C) Has a current tax exemption ruling from the Internal Revenue Service (IRS) under §501(c)(3), a charitable, nonprofit corporation, or §501(c)(4), a community or civic organization, of the Internal Revenue Code of 1986, as evidenced by a certificate from the IRS that is dated 1986 or later. The exemption ruling must be effective throughout the length of any contract agreements; or classification as a subordinate of a central organization nonprofit under the Internal Revenue Code, as evidenced by a current group exemption letter, that is dated 1986 or later, from the IRS.

(D) A private nonprofit organization's pending application for 501(c)(3) or (c)(4) status cannot be used to comply with the tax status requirement.

(20) Open Cycle--A defined period during which Proposals may be submitted and which will be reviewed on a first come first serve basis until all funds are committed. Each Proposal will be assigned a "received date" based on the date and time it is physically received by the Department and will be reviewed in accordance with §3.11 - §3.13 of this chapter.

(21) ORCA--The Office of Rural Community Affairs.

(22) PER--Performance Evaluation Report produced by the Unit of local government which should include up-to-date accomplishments in quarterly reports identifying cumulative data including the colonias served, activities performed and total number of beneficiaries.

(23) Performance Statement--The exhibit of a contract which specifies in detail the scope of work to be performed by eligible activity as noted in §3.1 of this chapter.

(24) Poverty--The current official poverty line established by the Director of the Federal Office of Management and Budget.

(25) Primary beneficiary--A Low or Moderate income person or family.

(26) Proposal--A written request for Colonia Self-Help Funds in the format required by the Department.

(27) Unit of General Local Government--A city, town, county, or other general purpose political subdivision of the State; a consortium of such subdivisions recognized by HUD in accordance with 24 CFR §92.101 and any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the jurisdiction. A county is considered a unit of general local government under the Colonia Self-Help Center Program.

§3.11. *Distribution of Funds and Proposal Requirements.*

(a) The Department distributes Colonia Self-Help Center funds to counties from the 2.5% set-aside of the annual Community Development Block Grant allocation.

(b) The 2.5% set-aside from the Community Development Block Grant allocation is distributed to a county through the following means:

(1) The county submits its Proposal one hundred and twenty (120) days before the latter of the expiration of its current contract, or when 80% of the funds under the current contract have been expended along with the needs assessment during the open cycle.

(2) Reviews are conducted on a first come first serve basis until all funds are committed. Each Proposal will be assigned a "received date" based on the date and time it is physically received by the Department and will be reviewed in accordance with §3.12 and §3.13 of this chapter.

(3) The Department allocates no more than \$1.2 million per Colonia Self-Help Center contract. If there are insufficient funds available from any specific program year to fully fund a Proposal, then the affected Applicant may accept the amount available at that time and wait for the remaining funds to be committed upon the Department's receipt of the Community Development Block Grant set-aside allocation from the next year.

(c) The county shall complete a needs assessment for each of the selected colonias as outlined under §3.4 of this chapter.

(d) Upon completion of the needs assessments, the county shall publish a Request for Proposals (RFP) for a Colonia Self-Help Center operator and review, score and gain the approval of commissioners' court for the operation of a Colonia Self-Help Center within its respective area.

(e) The county shall establish a Colonia Self-Help Center to provide any or all of the activities outlined under §3.1(c) of this chapter so long as the activities provided by the Colonia Self-Help Center are in line with the results of the needs assessments. Proposals must cover the following categories:

(1) Description of Colonias to be Served. Information should be sufficient to present an accurate picture of the areas to be served (i.e. number of houses, number of residents, platted/unplatted, water, wastewater disposal, utilities, housing conditions, etc.).

(2) Scope of Work. Based on the results obtained by the needs assessments, the county shall develop a scope of work for each selected colonia. In order to provide these services, the county shall be required to leverage funds, coordinate with financial institutions, prepare grant applications and coordinate with their contracted partners.

(3) Method of Implementation. For each colonia to be served by the Colonia Self-Help Center, the county shall describe the services and activities to be delivered. The county shall describe the years of experience and accomplishments relating to affordable housing projects within the last three years of the organization recommended by the county to operate and manage the daily operation of the Colonia Self-Help Center.

(4) Results. The county must include number of colonia residents to be assisted from each colonia. The county must also specify with Colonia Self-Help Center funds the number of houses to be rehabilitated, number of houses to be reconstructed, number of technical assistance visits, number of grant applications to be submitted for possible leverage, number of checkouts from the tool lending library, etc.

(f) Upon approval from commissioner's court; the county shall submit a Proposal to the Department along with a copy of its needs assessment.

#### §3.14. Expenditure Threshold Requirements.

(a) A county that has a current contract must meet the following expenditure threshold requirements:

(1) 6-Month Milestone. Any County that has not begun any project activities, including the initiation of the environmental review within six months after contract execution will have its funds subject to deobligation. The county will be evaluated after the first twelve months of the contract period for progress made to carry out project activities.

(2) 18-Month Milestone. The county must expend at least thirty (30%) percent of the total Colonia Self-Help Center funds awarded within eighteen (18) months from the start date of the contract.

(3) 30-Month Milestone. The county must expend at least sixty percent (60%) of the total Colonia Self-Help Center funds.

(4) 42-Month Milestone. In order to meet this requirement the county must expend at least ninety percent (90%) of the total Colonia Self-Help Center funds.

(5) 50-Month Milestone. If a county has a contract that is 48 months old or older, one hundred percent (100%) of all activities have completed all contract fund requests, and a Certificate of Completion report (which documents the expenditure of all Colonia Self-Help Center funds utilized for contract activities and does not include any reserved funds other than the funds needed to pay for a final audit) must be submitted to the Department. To meet this threshold, all the Colonia Self-Help Center funds needed for the contract activities, except for the reserved audit funds, must be expended in order to be considered for future funding.

(b) If these thresholds are not met, the Department will apply the options outlined in §3.17 of this chapter.

#### §3.15. Contract Delivery Administration.

(a) Upon approval of Colonia Self-Help Center funds by the Board, the Department shall work with the county to deliver a fully executed contract based on the work to be performed with milestones beginning sixty days of award date.

(b) Environmental. Before any funds can be disbursed environmental clearance must be approved by the Department.

(c) Amendments. Any alterations, additions, or deletions to the terms of the contract shall be submitted in writing to the Department. The Department, acting by and through its Executive Director or his/her designee, may authorize, execute, and deliver modifications and/or amendments to any Colonia Self-Help Center Proposal or written agreement provided that:

(1) In case of a modification or amendment to the dollar amount of the request or award, such modification or amendment does not increase the dollar amount by more than 25% of the original request or award, or \$50,000, whichever is greater;

(2) In the case of all other modifications or amendments, such modification or amendment does not, in the estimation of the Executive Director, significantly decrease the benefits to be received by the Department as a result of the award; and

(3) Modifications and/or amendments that increase the dollar amount by more than 25% of the original award or \$50,000, whichever is greater; or significantly decreases the benefits to be received by the Department in the estimation of the Executive Director, will be presented to the Board for approval.

(d) Request for Payments. The county shall submit a properly completed request for reimbursement form, as specified by the Department, at a minimum on a quarterly basis; however the Department reserves the right to request more frequent reimbursement requests as it deems appropriate to ensure compliance with the federal cost principles. The Department shall determine the reasonableness of each amount requested and shall not make disbursement of any such payment until the Department has reviewed and approved such request. Payments under the contract are contingent upon the county's full and satisfactory performance of its obligations under the contract.

(e) All eligible activities must meet a national objective and have a corresponding budget line item in the budget. This requirement will be clearly reflected in the performance statement and budget of the contract.

(f) Reporting. The county shall submit to the Department such reports on the operation and performance of the contract as may be required by the Department. Quarterly reports shall be due no later than the twentieth (20th) day of the month after the end of each calendar quarter.

(1) The county shall maintain and submit to the Department up to date accomplishments in quarterly reports identifying quantity and cumulative data including the colonias served, activities performed and total number of beneficiaries.

(2) The county shall submit and maintain program information at the detailed project activity level such as how many low and moderate-income households reside in safe, decent housing, and the number of years of affordability created for these households.

(g) Inspections. All housing rehabilitation and new construction activities must be inspected by an individual licensed by the Texas Real Estate Commission to perform home inspections. The inspection must ensure that the construction on the house is complete, that the home is safe and that it meets at a minimum, Colonia Housing Standards. The licensed inspector must utilize the most current Property Inspection Report as promulgated by the Texas Real Estate Commission and all items noted on the inspection report must be corrected and repaired.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 5, 2007.

TRD-200700307

Michael Gerber  
Executive Director

Texas Department of Housing and Community Affairs

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Proposal publication date: October 27, 2006

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## TITLE 13. CULTURAL RESOURCES

### PART 2. TEXAS HISTORICAL COMMISSION

#### CHAPTER 26. PRACTICE AND PROCEDURE

##### 13 TAC §26.5, §26.27

The Texas Historical Commission (hereafter referred to as the commission) adopts amendments to §26.5 (relating to Definitions) and §26.27 (relating to Disposition of Archeological Artifacts and Data) of Title 13, Part 2, Chapter 26 of the Texas Administrative Code (relating to Rules of Practice and Procedure under the Antiquities Code of Texas), without changes to text as published in the November 24, 2006, issue of the *Texas Register* (31 TexReg 9557).

The adoption of these rule amendments are needed to clarify the responsibilities of principle investigators regarding the collection, curation, deaccessioning, disposal, and curation of artifacts recovered under either permit or contracts issued by the commission. The amendments also delete a part of the section that was considered to be more appropriate in Chapter 29 of this title, because it deals with the responsibilities of curatorial facilities.

No comments were received regarding adoption of the amendments.

The amendments are adopted under the Texas Natural Resources Code, Title 9, Chapter 191, which provides the Commission with authority to promulgate rule that will reasonably affect the purposes of this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 1, 2007.

TRD-200700279

F. Lawrence Oaks

Executive Director

Texas Historical Commission

Effective date: February 21, 2007

Proposal publication date: November 24, 2006

For further information, please call: (512) 463-1858

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## CHAPTER 29. MANAGEMENT AND CARE OF ARTIFACTS AND COLLECTIONS

##### 13 TAC §§29.4 - 29.6, 29.9

The Texas Historical Commission (hereafter referred to as the Commission) adopts amendments to §§29.4, 29.6, and 29.9 and new §29.5 without changes to the proposed text as published in the November 24, 2006, issue of the *Texas Register* (31 TexReg 9560).

The amendments to §29.4 (relating to Definitions) add a definition of "conservation survey" to mean an evaluation of the state of a curatorial facility's performance in the process of cleaning, stabilizing, restoring, and preserving artifacts, and to amend the

definition of "disposal" to include disposal after deaccession. A new §29.5 (concerning Disposition of Archeological Collections) is adopted, and the section incorporates provisions that were previously included in §26.27 of this title. The new section would contain provisions detailing the ownership of collections by the State of Texas, how curatorial facilities must house, preserve, provide access to, accession, deaccession, and analyze their state associated, held in trust collections. Section 29.6 (relating to Certification of Curatorial Facilities for State-Associated Held-in-Trust Collections) is amended to provide that a curatorial facility may be granted a one-time extension of the deadline to complete its self-evaluation not to exceed six months; to clarify that the criteria for evaluation of curatorial facilities for certification are mandatory, not directory; and to revise the criteria for evaluation to reflect the experience of the Commission in conducting the certification program. Section 29.9 (relating to Guidelines for Drafting an Collections Management Policy for Managing State-Associated Collections) is amended to change the name of the section to "Expectations for Drafting an Collections Management Policy for Managing State-Associated Collections;" to provide that self-insured governmental entities may apply for exemption from insurance requirements; and to update the language of the section to reflect the experience of the Commission in conducting the certification program.

These changes are needed to clarify the curatorial facility certification program of the commission regarding the collection, curation, deaccessioning, disposal, and destructive analysis of artifacts contained in state associated held in trust collections. The Texas Natural Resources Code makes all of these artifacts and collections the property of the State of Texas, and the Texas Historical Commission has authority over them. The revised sections establish a process for ensuring that the artifacts are properly curated, recorded, and, if appropriate, disposed of in conformance with appropriate standards established by the Commission.

No comments were received regarding adoption of the amendments and new section.

The amendments and new section are adopted under the Texas Natural Resources Code, Title 9, Chapter 191, which provides the Commission with authority to promulgate rules that will reasonably affect the purposes of this chapter.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 463-1858

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## TITLE 16. ECONOMIC REGULATION

### PART 2. PUBLIC UTILITY COMMISSION OF TEXAS



CHAPTER 26. SUBSTANTIVE RULES  
APPLICABLE TO TELECOMMUNICATIONS  
SERVICE PROVIDERS  
SUBCHAPTER N. PAY TELEPHONE SERVICE  
16 TAC §26.345, §26.346

The Public Utility Commission of Texas (commission) adopts amendments to §26.345, relating to Posting Requirements for Pay Telephone Service Providers, and §26.346, relating to Rates and Charges for Pay Telephone Service, with changes to the proposed text as published in the August 4, 2006 issue of the *Texas Register* (31 TexReg 6162). The amendments: (1) change the notice requirements for payphone placards by adding text to §26.345(a)(3); (2) add a clause to §26.346(a) to comply with the Public Utility Regulatory Act (PURA) §55.1735, regarding charges for pay phone access lines; (3) replace the term "pay telephone services" with the abbreviation "PTS" in §26.346(b)(1); and (4) add new subparagraph (3) to §26.346(b) to make the rule consistent with PURA §§58.051, 58.151 and 58.152, regarding Chapter 58 electing companies. These amendments are adopted under Project Number 31957.

The commission received comments on the proposed amendments from the Texas Payphone Association (TPA), Southwestern Bell Telephone Company, L.P. d/b/a AT&T Texas (AT&T Texas), and the Office of Public Utility Counsel (OPC). No reply comments were received and no party requested a public hearing on the proposed amendments. All comments were fully considered by the commission. Parties' comments addressed specific subsections of the amendment and are summarized in order below.

*Comments on §26.345(a)(3)*

Proposed §26.345(a)(3) requires that a placard be attached to each pay phone that provides the name, address, and telephone number for the telephone owner or agent providing the set, and the name and toll-free telephone number of the owner or agent responsible for refunds and repairs, and that such placard must be kept current at all times and the commission must be notified in writing within 30 days of any change to the owner's telephone number or physical address. The commission has experienced a number of inquiries from pay phone customers indicating he or she was unable to contact the pay telephone service (PTS) provider either because the information on the placard contained outdated information or because the placard did not exist.

TPA agreed that the 30-day notification requirement of any changes in the telephone number and address of the PTS provider was adequate and TPA did not object to this part of the amendment. TPA suggested that the language that requires PTS providers to "maintain current information at all times" was not necessary. TPA opined that the rule already requires that information be kept on the placard attached to pay phones, and implicit in that requirement is that the information be correct and current. AT&T Texas provided no specific comments on this proposed change.

OPC recommended that the commission instead grant a reasonable grace period of seven calendar days rather than the excessive allowance of 30 days. OPC opined that the PTS provider planned such changes long before the actual change date and the commission would be acting reasonably if it required notice by the change date, especially for larger providers with multiple pay telephones. OPC recommended that notice be "due" by the

date of the change, with a seven-day grace period intended to assist providers less familiar with commission rules.

*Commission response*

The commission agrees with TPA that the 30-day notification requirement for PTS providers to notify the commission of any changes in the telephone number and address is both adequate and provides sufficient time for PTS providers to comply with this provision. The commission recognizes this requirement imposes a burden on PTS providers. The thirty-day notification *requirement* should ease that burden so that any PTS provider can timely submit the change of information to the commission in accordance with the rule.

Further, the commission believes the recommendation proposed by OPC attempts to ease the burden on those PTS providers less familiar with the commission's rules. The commission believes that, because the notice requirement as proposed is easily understood and fairly applied, there is no need to accommodate one particular type of PTS provider. The commission believes that the rule as proposed is sufficient to enable PTS providers to provide the commission and consumers with the required information in a reasonably timely manner. For these reasons, the commission declines to make any changes to this portion of the rule and adopts §26.345(a)(3) as proposed.

*Comments on §26.346(a)*

The proposed amendment to §26.346(a) was intended to make the rule consistent with the provisions of PURA §55.1735, which provides that the charge or surcharge a local exchange company charges for an access line used to provide PTS may not exceed the amount of the charge or surcharge for an access line used for regular business purposes in the exchange where the pay phone is located. TPA stated that it supported the change as it accurately implements PURA §55.1735, "Charge for Pay Phone Access Line." OPC supported the amendment as proposed.

*Commission response*

The commission agrees with TPA and OPC that the proposed change accurately implements PURA §55.1735. The commission believes that the proposed change is consistent with PURA §55.1735 and adopts the change as proposed.

*Comments on §26.346(b)(1)*

The proposed change merely removes the words "pay telephone service" as the acronym "PTS" is already included in the subsection. The acronym "PTS" is previously defined as standing for "pay telephone service" in §26.345(a). TPA stated that it does not object to this minor, "house-keeping" edit.

*Commission response*

Consistent with the comments, the commission adopts the change as proposed.

*Comments on §26.346(b)(1)(F)*

The proposed rule would have replaced the distance-sensitive rate schedule in §26.346(b)(1)(F) with a single capped rate for intrastate long distance and operator-assisted calls at Texas pay phones. TPA commented that there is no basis for the proposed rate change in Senate Bill 5 (SB5) and it is doubtful the commission can show that the proposed changes comply with PURA §55.177, "Charge for Credit Card, Calling Card, or Operator-Assisted Calls." TPA pointed to PURA §55.177 that requires that (a) a provider may not impose for a credit card, calling card, or live or automated operator-assisted call a rate or charge that is greater

than the authorized rates and charges published on March 18, 1995, in the eight newspapers having the largest circulation in this state, and (b) the published rates may not be changed.

TPA argued that the proposed changes result in an arbitrary increase in charges of up to 32% for consumers on long distance rates for calls within 0-55 miles, as well as an arbitrary decrease in revenue by as much as 14% for pay phone providers on calls from 56 miles and over. TPA argued that the commission failed to identify any justification for such a change and argued that the commission should consider the potential negative impact it will have on the pay phone industry and consumers and reject the proposed change.

Further, TPA stated that the proposed flat rate, determined by averaging all of the rates in the table, is inaccurate and unsatisfactory. TPA posited that a more prudent way to establish a rate change would be to open a proceeding, collect relevant data from the industry, and establish a flat rate that will harm neither the consumer nor the PTS provider.

OPC stated that it generally supported the goal of simplifying the PTS rates but that this rulemaking does not appear to be the appropriate place for such a significant ratemaking change. OPC suggested that an appropriate ratemaking proceeding would at least involve a collection of data regarding costs and rates, along with an opportunity for interested parties to contest the data and proposed new rates.

#### *Commission response*

The commission is persuaded by the comments of TPA. Specifically, the commission relies upon PURA §55.177(a) that establishes that a PTS provider may not impose a rate or charge that is greater than the authorized rates and charges published on March 18, 1995, in the eight newspapers having the largest circulation in this state. Moreover, PURA §55.177(b) expressly states that the published rates may not be changed. Therefore, the commission declines to adopt the proposed amendment to §26.346(b)(1)(F).

#### *Comments on §26.346(b)(3)*

The proposed language is intended to make clear that certain requirements of §26.346(b) do not apply to PURA Chapter 58 electing local exchange companies. TPA objected to this proposed amendment. TPA argued that the provision of PURA that essentially deregulated electing local exchange companies (LECs) was implemented long before SB5. TPA argued that there has been no need for an express exemption for electing LECs to date as electing LECs know whether or not they are subject to commission-mandated rate caps. Further, TPA stated that the electing LECs have practically ceased to provide pay phone service at all and that adding the proposed language would confuse the pay phone service providers that do continue to provide service.

OPC proposed that the words "do not apply" be changed to "may not apply" given that it is not clear whether all electing local exchange companies are entirely exempt from §26.346(b)(1)(B) and (D) through (F).

#### *Commission response*

The commission believes the addition to this subsection makes the rule consistent with PURA §58.051, Services Included (Nonbasic Services), §58.151, Services Included (Basic Services), and §58.152, Prices. Section 58.051(a)(6) lists private pay telephone access service as a basic network service and

§58.151(18) lists services from public pay telephones as nonbasic services. Section 58.152(a) permits an electing company the option to set the price for any nonbasic service at any level above the lesser of the service's long run incremental cost or the price for the service in effect on September 1, 1999. Thus, electing companies are not subject to certain provisions of §26.346(b), namely those that pertain to rate caps for certain types of calls. The commission does not agree with TPA's statement that electing LECs have practically ceased to provide pay phone service at all. Electing LECs do continue to provide PTS and the commission believes that the addition is necessary and in no way confusing to PTS providers. The commission does not agree with OPC that changing "do not apply" to "may not apply" in the final sentence of the proposed change would clarify the intent of the rule or that clarification is necessary. The commission adopts the changes as proposed.

These amendments are adopted under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998, Supplement 2006) (PURA) which provides the commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.002, 14.052, 55.1735, 55.1759, 58.051, 58.151, and 58.152.

#### *§26.345. Posting Requirements for Pay Telephone Service Providers.*

(a) The pay telephone service (PTS) provider must attach to each instrument a card that provides:

(1) instructions in English and Spanish for accessing emergency service subject to the conditions contained in subparagraphs (A) and (B) of this paragraph:

(A) where E-911 or 911 emergency service is available, the caller must be instructed to dial 911 and the PTS provider must allow E-911 or 911 calls to be outpulsed directly to the Public Service Answering Point at no charge and without requiring a coin or credit card; or

(B) where E-911 or 911 is not available, the caller must be instructed to dial "0" and dialing "0" must, at no charge and without requiring a coin or credit card, directly connect the caller with an operator service provider (OSP) that is in compliance with the technical standards set forth in §26.321(b) of this title (relating to 9-1-1 calls, "0-" calls, and End User Choice);

(2) instructions for use, including specifically instructions for completion of local and toll calls, access to operator services, access to directory assistance, obtaining refunds, obtaining repair service, registering complaints at a designated toll-free telephone number, reporting out-of-service conditions, and using one-way calling (if the instrument is so equipped); and

(3) notice stating the name, address, and ten digit telephone number for the pay telephone owner or agent providing the set, and providing the name and toll-free telephone number of the owner or agent responsible for refunds and repairs; the PTS provider shall maintain current information on the placard at all times and shall notify the commission in writing of any changes to the business telephone number of the pay telephone owner, or changes of the physical address from which the pay telephone owner operates, within thirty calendar days of such change; and

(4) if an extension has been attached, a notice that legibly and conspicuously states in capital letters: "YOUR CONVERSATION MAY BE OVERHEARD BECAUSE AN EXTENSION TELEPHONE IS ATTACHED TO THIS PHONE LINE."; and

(5) a placard that clearly states the fee for completing a local call from that telephone.

(b) PTS providers must also attach to each instrument a card that says: "The long distance carrier serving this phone is {insert name of the pre-subscribed long distance telecommunications service provider}. You can learn what its rates are by calling {insert long distance telecommunications service providers' toll-free rate information phone number} at any hour at no cost to you. If you would rather use another long distance carrier, you can either use {insert name of incumbent local exchange provider}'s operator by calling {insert dialing directions here}, or use your own long distance carrier by following its dialing instructions or asking the operator for assistance."

(c) If the PTS provider subscribes to the services of an operator service provider (OSP) that is required to comply with Subchapter M of this chapter (relating to Operator Services), the PTS provider remains liable for compliance with this section, but may coordinate with the OSP so that information to be provided at the pay telephone set is not duplicated. If the PTS provider uses automated call completion technology to complete some operator service calls and subscribes to the services of an OSP that is required to comply with Subchapter M of this chapter, the PTS provider must ensure that the information provided at the pay telephone set clearly informs the caller about which information applies to which operator service calls.

(d) If a pay telephone cannot receive incoming calls, the PTS provider shall place in a conspicuous location on the pay telephone a notice, in letters one-quarter inch high, stating, "THIS TELEPHONE CANNOT RECEIVE TELEPHONE CALLS." Furthermore, the PTS provider shall not display the number of the pay telephone on any such telephone that does not receive incoming calls.

(e) The requirements of this subsection do not apply to pay telephones accessible to inmates of confinement facilities.

(f) Applications for modification of information to be provided at the pay telephone set. The commission may approve applications for modification of the requirements contained in subsection (b) and (c) of this section upon showing of good cause by the PTS provider. The commission shall process applications for modification using the criteria and procedures set forth in §26.317(c) of this title (relating to Information to be Provided at the Telephone Set).

*§26.346. Rates and Charges for Pay Telephone Service Providers.*

(a) Rate structure. Certificated telecommunications utility (CTU) rates for wholesale service must be designed on a flat access line and/or a local message usage rate basis. Multi-element measured rates are prohibited. In areas without measuring capabilities, the CTU may use a flat rate usage surrogate instead of a per call message rate. Measurement capabilities are defined as the capability in place to measure and bill pay telephone usage without incurring unreasonable expense. The charge or surcharge a CTU imposes for an access line used to provide pay telephone service (PTS) in an exchange may not exceed the amount of the charge or surcharge the CTU imposes for an access line used for regular business purposes in that exchange.

(b) Charges.

(1) A PTS provider must:

(A) not impose on pay phone end users any charge for calls made under Chapter 771 or 772 of the Texas Health and Safety Code;

(B) not impose a charge for "950-XXXX" calls, "1010XXX+0", or "1-800" or "1-888"-type calls to nonpresubscribed interexchange carriers (for example "1-800-COLLECT", "1-800-CALLATT", or "1-800-877-8000");

(C) not impose a charge for local calls from pay telephones to the Telecommunications Relay Service (TRS);

(D) for local calls which are collect, operator-assisted or paid by credit card or calling card, not impose a charge which exceeds the highest applicable rate for such calls of any of the four largest interexchange carriers operating in this state; and

(E) for credit card, calling card, or live or automated operator-handled toll calls, not charge a rate or total charge that exceeds the authorized rates and charges listed in subparagraph (F) of this paragraph.

(F) charge no more than these rate caps for intrastate long distance and operator-assisted calls at Texas pay phones: Figure: 16 TAC §26.346(b)(1)(F)

(2) The requirements of paragraph (1)(A) through (C) of this subsection do not apply to pay telephones accessible to inmates of confinement facilities.

(3) The requirements of paragraph (1)(B) and (D) through (F) of this subsection do not apply to electing local exchange companies.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 1, 2007.

TRD-200700284

Adriana A. Gonzales

Rules Coordinator

Public Utility Commission of Texas

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## TITLE 19. EDUCATION

### PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

#### CHAPTER 7. PRIVATE AND OUT-OF-STATE PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS OPERATING IN TEXAS

##### SUBCHAPTER A. GENERAL PROVISIONS

###### 19 TAC §§7.3, 7.6, 7.9

The Texas Higher Education Coordinating Board adopts amendments to §§7.3, 7.6, and 7.9, concerning definition of Board and a minor correction and reference change in the rules, without changes to the proposed text as published in the December 8, 2006, issue of the *Texas Register* (31 TexReg 9785).

Specifically, amendments to §7.3, relating to Definitions, expands the definition of Board to include the Commissioner or his designated representatives to clarify that the Board has delegated authority to the Commissioner to administer the chapter. Section 7.6, relating to Certificate of Authority--Eligibility, Applications, Renewals, and Amendments, corrects an incorrect reference in the rules to another section of the rules. Section

7.9, relating to Operation of Branch Campuses, Extension Centers, or Other Off-Campus Units by Exempt Institutions, removes a typographical error in the rules.

There were no comments received regarding adoption of the amendments.

The amendments are adopted under Texas Education Code, §61.311, which provides the Coordinating Board with the authority to adopt rules relating to Subchapter G on Regulation of Private Postsecondary Educational Institutions.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on January 30, 2007.

TRD-200700260

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Effective date: February 19, 2007

Proposal publication date: December 8, 2006

For further information, please call: (512) 427-6114



## PART 2. TEXAS EDUCATION AGENCY

### CHAPTER 97. PLANNING AND ACCOUNTABILITY

#### SUBCHAPTER AA. ACCOUNTABILITY AND PERFORMANCE MONITORING

##### 19 TAC §97.1002

The Texas Education Agency (TEA) adopts new §97.1002, concerning the identification of technical assistance team campuses. The new section is adopted without changes to the proposed text as published in the December 22, 2006, issue of the *Texas Register* (31 TexReg 10238) and will not be republished. The adopted new section implements the requirements of the Texas Education Code (TEC), §39.1322, as added by House Bill (HB) 1, 79th Texas Legislature, Third Called Session, 2006. In accordance with statute, the adopted new rule describes the procedures for the annual assignment of technical assistance teams to certain campuses rated Academically Acceptable.

HB 1 amended the TEC, Chapter 39, by adding §39.1322 requiring the commissioner of education to select and assign a technical assistance team (TAT) to a campus rated Academically Acceptable in the state accountability rating system if that campus would be rated Academically Unacceptable using the accountability standards for the subsequent year.

Adopted new 19 TAC §97.1002 establishes provisions for identifying TAT campuses, including waiving the requirement to assign a TAT based on specific criteria.

No comments were received regarding adoption of the proposed new section.

The new section is adopted under the Texas Education Code, §39.1322, which requires the commissioner of education to se-

lect and assign a technical assistance team to assist a campus in executing a school improvement plan, and any other school improvement strategies the commissioner determines appropriate, for a campus that is rated academically acceptable for the current school year but would be rated as academically unacceptable if performance standards to be used for the following school year were applied to the current school year.

The new section implements the Texas Education Code, §39.1322.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 5, 2007.

TRD-200700299

Cristina De La Fuente-Valadez

Director, Policy Coordination

Texas Education Agency

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Proposal publication date: December 22, 2006

For further information, please call: (512) 475-1497



## CHAPTER 153. SCHOOL DISTRICT PERSONNEL

### SUBCHAPTER CC. COMMISSIONER'S RULES ON CREDITABLE YEARS OF SERVICE

#### 19 TAC §153.1021

The Texas Education Agency (TEA) adopts an amendment to §153.1021, concerning recognition for creditable years of service. The amendment is adopted without changes to the proposed text as published in the November 10, 2006, issue of the *Texas Register* (31 TexReg 9191) and will not be republished. The section provides appropriate definitions and explains required documents, necessary credentials, and the service record. The rule details the provisions for creditable years of service, including recognized employing entities for service credit. The adopted amendment updates references and clarifies accreditation requirements for Texas public or private colleges and universities that serve as entities eligible to recognize credit for professional personnel.

Effective February 1, 1998, the commissioner adopted 19 TAC §153.1021, Recognition of Creditable Years of Service, as authorized by the TEC, §21.403, 75th Texas Legislature, 1997. The provisions of law required the commissioner to adopt rules for determining the experience for which certain professional staff are to be given credit in placement on the state minimum salary schedule. The existing rule concerning placement on the salary schedule applies only to teachers, librarians, counselors, and nurses.

The adopted amendment to 19 TAC §153.1021 updates and clarifies existing provisions, as follows.

In subsection (a), relating to definitions, paragraph (5) was modified to add the acronym for the State Board for Educator Certification (SBEC); paragraph (8) was modified to include the appropriate certification examinations; and paragraph (19) was modi-

fied to update reference to the Texas Department of State Health Services (formerly known as the Texas Department of Mental Health and Mental Retardation). These changes update the rule to include reference to any previous, current, or future appropriate certification examination and to incorporate a state agency name change.

In subsection (h), relating to requirements for entities recognized for professional personnel, paragraph (7)(A) was modified to require that Texas public or private colleges and universities serving as entities eligible to recognize credit for professional personnel be accredited by the Southern Association of Colleges and Schools. This change states clearly in the rule a requirement that has been in practice since initial adoption. Subsequent paragraphs were reordered accordingly.

Subsection (m), relating to teacher aides, was modified to include reference to contractual year instead of school year. This change provides clarification to establish specific dates for certification purposes.

The following is a summary of the public comment received on the proposed amendment to 19 TAC §153.1021 and the corresponding agency response.

Comment. The law firm of Schwartz & Eichelbaum, P.C., suggested keeping the school year terminology under subsection (m), relating to teacher aides, instead of changing it to contractual year.

Agency response. The agency disagrees. Section 153.1021(a)(7) defines contractual year as the employment period between July 1 and the following June 30. The definition presented in the proposal provides clarification to establish specific dates for certification purposes. No changes were made to the proposal in response to the comment.

The amendment is adopted under the Texas Education Code, §21.403, which requires the commissioner of education to adopt rules for determining the experience for which a teacher, librarian, counselor, or nurse is to be given credit in placing the teacher, librarian, counselor, or nurse on the minimum salary schedule.

The amendment implements the Texas Education Code, §21.403.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 5, 2007.

TRD-200700300

Cristina De La Fuente-Valadez

Director, Policy Coordination

Texas Education Agency

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For further information, please call: (512) 475-1497



### 19 TAC §153.1022

The Texas Education Agency (TEA) adopts an amendment to §153.1022, concerning the minimum salary schedule for certain professional staff. The amendment is adopted with a change to

the proposed text as published in the November 10, 2006, issue of the *Texas Register* (31 TexReg 9192). The section establishes definitions of qualifying staff, details eligibility criteria for placement on the salary schedule, and explains base pay. Salaries are adjusted using a factor, defined as "FS" in Texas Education Code (TEC), §21.402(a), based on state assistance under TEC, §42.302. The adopted amendment updates the rule to modify the components and calculation of the minimum salary rates prescribed by the TEC, §21.402, as amended by House Bill (HB) 1, 79th Texas Legislature, Third Called Session, 2006.

The commissioner is authorized to adopt a minimum monthly salary schedule for certain professionals, including classroom teachers and full-time librarians, counselors, and nurses. The salary schedule is based on the employee's level of experience. In accordance with TEC, §21.402, enacted by Senate Bill 4, 76th Texas Legislature, 1999, 19 TAC §153.1022 was adopted to be effective January 2, 2000. The rule was last amended to be effective January 31, 2006, to incorporate a new element in the determination of "FS" and to specify salary rates applicable for the 2005 - 2006 and 2006 - 2007 school years.

In May 2006, the 79th Texas Legislature, Third Called Session, amended TEC, §21.402, providing for increases in the minimum monthly salary schedule for the 2006 - 2007 school year. The changes in statute increased the salary factor for each year of experience and included an additional \$250 in increased pay for each full month of additional service. The adopted amendment to 19 TAC §153.1022 updates the rule in response to statutory changes, as follows.

The proposal included revisions to subsection (b) to make reference to base monthly salary rather than base pay, to address the 2006 - 2007 school year rather than the 1999 - 2001 biennium, and to reflect the additional \$250 per month. In response to public comment, subsection (b) was modified since published as proposed to clarify that the 2005 - 2006 salary schedule is to be used to calculate the base monthly salary for the 2006 - 2007 school year.

The following changes to 19 TAC §153.1022 were adopted with no changes from the proposal.

Revisions in subsection (b)(1) included the additional \$250 per month and deleted language applicable to 1998 - 1999. Subsection (b)(2) was revised to incorporate the same provisions for eligible counselors, nurses, and librarians for the 2006 - 2007 school year. Corresponding revisions were adopted in subsection (b)(3) and (4).

New language in subsection (c) adopts a new salary factor in the determination of "FS" to correspond with changes made in TEC, §21.402(a).

Subsection (d) was revised to delete reference to the 2005 - 2006 school year. In addition, the table set forth as Figure 19 TAC §153.1022(d) in subsection (d) was updated to establish the new minimum monthly salary rates. No changes were made to the table since published as proposed.

The following is a summary of the public comment received on the proposed amendment to 19 TAC §153.1022 and the corresponding agency response.

Comment. The law firm of Schwartz & Eichelbaum, P.C., suggested using the same language in subsection (b) as it is stated under HB 1 for the purpose of calculating the minimum salary schedule for the 2006 - 2007 school year.

Agency response. The agency agrees and modified subsection (b) accordingly.

The amendment is adopted under the Texas Education Code, §21.402, which authorizes the commissioner of education to adopt rules to govern the application of the minimum salary schedule for certain professional staff.

The amendment implements the Texas Education Code, §21.402.

*§153.1022. Minimum Salary Schedule for Certain Professional Staff.*

(a) Definitions and eligibility. The following definitions and eligibility criteria apply to the increases in the minimum salary schedule in accordance with Texas Education Code (TEC), Chapter 21.

(1) The staff positions that qualify for the salary increase include classroom teachers and full-time librarians, counselors, and nurses employed by public school districts and who are entitled to a minimum salary under TEC, §21.402.

(A) A classroom teacher is an educator who teaches an average of at least four hours per day in an academic or career and technology instructional setting pursuant to TEC, §5.001, focusing on the delivery of the Texas essential knowledge and skills and holds the relevant certificate issued by the State Board for Educator Certification (SBEC) under the provisions of TEC, Chapter 21, Subchapter B. Although non-instructional duties do not qualify as teaching, necessary functions related to the educator's instructional assignment such as instructional planning and transition between instructional periods should be applied to creditable classroom time.

(B) A school librarian is an educator who provides full-time library services and holds the relevant certificate issued by the SBEC under the provisions of TEC, Chapter 21, Subchapter B.

(C) A school counselor is an educator who provides full-time counseling and guidance services under the provisions of TEC, Chapter 33, Subchapter A, and holds the relevant certificate issued by the SBEC pursuant to the provisions of TEC, Chapter 21, Subchapter B.

(D) A school nurse is an educator employed to provide full-time nursing and health care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas.

(2) An eligible educator who is employed by more than one district in a shared service arrangement or by a single district in more than one capacity among any of the eligible positions qualifies for the salary increase as long as the combined functions constitute full-time employment.

(3) Full-time means contracted employment for at least ten months (187 days) for 100% of the school day in accordance with definitions of school day in TEC, §25.082, employment contract in TEC, §21.002, and school year in TEC, §25.081.

(4) A local supplement is any amount of pay above the state minimum salary schedule for duties that are part of a teacher's classroom instructional assignment.

(5) Current placement on the salary schedule means a placement based on years of service recognized for salary increment purposes up to the current year.

(6) Salary schedule means a system of providing routine salary increases based upon an employee's total teaching experience and/or an employee's longevity in a school district.

(b) Base monthly salary for the 2006 - 2007 school year. The base monthly salary is the monthly salary the employee would have received for the 2006 - 2007 school year under the district's salary schedule for the 2005 - 2006 school year, if that schedule had been in effect for the 2006 - 2007 school year, including any local supplement and any money representing a career ladder supplement the employee would have received in the 2006 - 2007 school year, and \$250 per month.

(1) An educator eligible for the salary increase is entitled to a minimum salary in the 2006 - 2007 school year equal to the greater of the salary corresponding to their current placement on the state salary schedule pursuant to TEC, §21.402(a), or the salary corresponding to their current placement on the employing district's 2006 - 2007 salary schedule, plus \$250 per month. If employed by the same district, the minimum must include any local and career ladder supplements the employee would have received in 2006 - 2007.

(2) Eligible counselors, nurses, and librarians are entitled to a minimum salary in the 2006 - 2007 school year equal to the greater of the salary corresponding to their current placement on the state salary schedule pursuant to TEC, §21.402(a), or the salary corresponding to their current placement on the employing district's 2006 - 2007 salary schedule, plus \$250 per month. These educators are placed on the state schedule according to the same criteria that applies to teachers and librarians pursuant to §153.1021 of this title (relating to Recognition of Creditable Years of Service).

(3) A beginning teacher who has not previously been on the state salary schedule is entitled to any local supplement that would have been offered to a beginning teacher on the employing district's 2006 - 2007 salary schedule.

(4) Educators who are eligible for the salary increase and who are employed for more than ten months are entitled to an additional \$250 in increased pay for each full month of additional service.

(5) Teachers who are eligible for the salary increase but who are not employed full-time (work either less than 100% of the day or for a portion of the year) are entitled to a proportionate pay increase. For teachers working less than 100% of the day, the increase is proportionate to the percent of the day employed. For teachers employed less than a full year, the increase is valid only for the months employed.

(6) Nurses, librarians, and counselors who are employed for less than a full school year or who are placed in an eligible assignment for less than a full school year are entitled to a pay increase in proportion to the months employed in which they are eligible.

(c) Determination of "FS." "FS" is the amount, as determined by the commissioner under TEC, §21.402(b), of state and local funds per weighted student, including funds provided under TEC, §42.2516(b)(1)(B), but not funds provided under TEC, §42.2516(b)(1)(A), (b)(1)(C), (b)(2), or (b)(3), available to a district eligible to receive state assistance under TEC, §42.302, with a maintenance and operations tax rate per \$100 of taxable value equal to the product of the state compression percentage, as determined under TEC, §42.2516, multiplied by \$1.50, except that the amount of state and local funds per weighted student does not include the amount attributable to the increase in the guaranteed level made by Chapter 1187, 77th Texas Legislature, 2001.

(d) Monthly minimum salary rates. The minimum monthly salary rates applicable for the 2006 - 2007 school year, in accordance with this section and TEC, §21.402, shall be as set forth in the table in this subsection.

Figure: 19 TAC §153.1022(d)

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 5, 2007.

TRD-200700301

Cristina De La Fuente-Valadez

Director, Policy Coordination

Texas Education Agency

Effective date: February 25, 2007

Proposal publication date: November 10, 2006

For further information, please call: (512) 475-1497



## TITLE 22. EXAMINING BOARDS

### PART 5. STATE BOARD OF DENTAL EXAMINERS

#### CHAPTER 104. CONTINUING EDUCATION

##### 22 TAC §104.1

The Texas State Board of Dental Examiners (Board) adopts the amendment of §104.1, concerning continuing education requirements for licensees. The section is amended to update the jurisprudence requirement.

Specifically, the adopted language requires a licensee to complete either the jurisprudence assessment or three hours of jurisprudence continuing education every three years. After January 1, 2008, only the jurisprudence assessment will fulfill the requirement.

The amendment is adopted without changes to the proposed text as published in the December 1, 2006, issue of the *Texas Register* (31 TexReg 9675) and will not be republished.

No comments were received.

The section is adopted under Texas Government Code, §2001.021 et seq., and Texas Occupations Code, §254.001, which provides the Board with the authority to adopt and enforce rules necessary for it to perform its duties.

The adopted section affects Title 3, Subtitle D of the Occupations Code and Title 22, Texas Administrative Code, Chapter 101 - 125.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 5, 2007.

TRD-200700304

Jim Zukowski, Ed.D.

Executive Director

State Board of Dental Examiners

Effective date: February 25, 2007

Proposal publication date: December 1, 2006

For further information, please call: (512) 475-0972



## CHAPTER 114. EXTENSION OF DUTIES OF AUXILIARY PERSONNEL--DENTAL ASSISTANTS

### 22 TAC §114.4

The Texas State Board of Dental Examiners (Board) adopts without change new §114.4 as proposed in the December 1, 2006, issue of the *Texas Register* (31 TexReg 9676), concerning certification for monitoring the administration of nitrous oxide. The new section updates the requirements that dental assistants must complete to become certified to monitor the administration of nitrous oxide.

Specifically, the adopted section requires a dental assistant be certified in order to be delegated the task of monitoring the administration of nitrous oxide.

No comments were received.

The section is adopted under Texas Government Code §2001.021 et seq., and Texas Occupations Code §254.001, which provides the Board with the authority to adopt and enforce rules necessary for it to perform its duties.

The adopted section affects Title 3, Subtitle D of the Occupations Code and Title 22, Texas Administrative Code, Chapter 101 - 125.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 5, 2007.

TRD-200700305

Jim Zukowski, Ed.D.

Executive Director

State Board of Dental Examiners

Effective date: February 25, 2007

Proposal publication date: December 1, 2006

For further information, please call: (512) 475-0972



## CHAPTER 115. EXTENSION OF DUTIES OF AUXILIARY PERSONNEL--DENTAL HYGIENE

### 22 TAC §115.2

The Texas State Board of Dental Examiners (Board) adopts the amendment of §115.2, concerning certification for monitoring the administration of nitrous oxide. The section is amended to update the requirements that dental hygienists must complete to become certified to monitor the administration of nitrous oxide.

Specifically, the adopted language requires a dental hygienist to take a board-approved course in order to be certified to monitor the administration of nitrous oxide.

The amendment is adopted without changes to the proposed text as published in the December 1, 2006, issue of the *Texas Register* (31 TexReg 9677) and will not be republished.

No comments were received.

The section is adopted under Texas Government Code §2001.021 et seq., and Texas Occupations Code §254.001,

which provides the Board with the authority to adopt and enforce rules necessary for it to perform its duties.

The adopted section affects Title 3, Subtitle D of the Occupations Code and Title 22, Texas Administrative Code, Chapter 101 - 125.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 5, 2007.

TRD-200700306

Jim Zukowski, Ed.D.

Executive Director

State Board of Dental Examiners

Effective date: February 25, 2007

Proposal publication date: December 1, 2006

For further information, please call: (512) 475-0972



## **TITLE 25. HEALTH SERVICES**

### **PART 11. TEXAS CANCER COUNCIL**

#### **CHAPTER 703. PROJECT CONTRACTS AND GRANTS**

##### **25 TAC §§703.3, 703.5, 703.6**

The Texas Cancer Council adopts amendments to §§703.3, 703.5, and 703.6 concerning the scope, project proposal submission, and review process as published in the October 6, 2006, issue of the *Texas Register* (31 TexReg 8334). The rules are adopted without changes to the proposed text and will not be republished.

These sections are being amended to make the substitution of "application" for "proposal" consistent throughout the rules to more accurately reflect the proposal process used for Council grants.

No public comments were received.

The rule amendments are adopted under the Texas Health and Safety Code Annotated, §102.002 and §102.009, which provide the Texas Cancer Council with the authority to develop and implement the Texas Cancer Plan, §102.010 which authorizes the Council to establish a grant program and adopt rules regarding grants, and the Texas Government Code, Annotated, §2001.004.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 2, 2007.

TRD-200700293

Sandra Balderrama

Executive Director

Texas Cancer Council

Effective date: February 22, 2007

Proposal publication date: October 6, 2006

For further information, please call: (512) 438-3029



## **TITLE 40. SOCIAL SERVICES AND ASSISTANCE**

### **PART 20. TEXAS WORKFORCE COMMISSION**

#### **CHAPTER 815. UNEMPLOYMENT INSURANCE**

The Texas Workforce Commission (Commission) adopts amendments, *without* changes, to the following sections of Chapter 815 related to Unemployment Insurance, as published in the December 1, 2006, issue of the *Texas Register* (31 TexReg 9686):

Subchapter B, Benefits, Claims, and Appeals, §815.20

Subchapter C, Tax Provisions, §815.107 and §815.109

The Commission adopts the following new sections of Chapter 815 related to Unemployment Insurance, *without* changes, as published in the December 1, 2006, issue of the *Texas Register* (31 TexReg 9686):

Subchapter C, Tax Provisions, §§815.116, 815.134, and 815.135

Subchapter D, Farm and Ranch Labor, §815.150

##### **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

##### **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND RESPONSES**

##### **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

The purpose of the adopted Chapter 815 rules change is to:

--implement House Bill (HB) 3250, enacted by the 79th Texas Legislature, Regular Session (2005), which amends Title IV of the Texas Labor Code, the Texas Unemployment Compensation Act (TUCA), Chapter 204, Subchapter E, Acquisition of Experience-Rated Employer, by limiting the conditions under which the transfer of Unemployment Insurance (UI) compensation experience between business entities may occur; and requiring the Commission to establish, by rule, procedures to identify the transfer or acquisition of a business for the purposes of identifying State Unemployment Tax Act (SUTA) dumping;

--provide clear direction for UI claimants and employers, without creating an undue bureaucratic burden in navigating the UI and Tax systems; and

--ensure operation of efficient, cost-effective systems that fulfill the requirements of state and federal law.

##### **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND RESPONSES**

(Note: Minor, nonsubstantive, editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)



## SUBCHAPTER B. BENEFITS, CLAIMS, AND APPEALS

The Commission adopts amendments to Subchapter B, as follows:

### §815.20. Claim for Benefits

Section 815.20 adds Internet filing as a method for unemployed individuals to file UI claims and specifies that the current restrictions to designated hours and days of claim filing do not apply to online initial claim filers or those who request payment of benefits online because the Internet is available 24 hours a day.

## SUBCHAPTER C. TAX PROVISIONS

The Commission adopts amendments to Subchapter C, as follows:

### §815.107. Reports Required and Their Due Dates

Section 815.107(a) specifies that employers may request, and the Agency may grant, a hardship exemption from filing reports and formats in the required format. The Agency does not intend to implement specific requirements for how the hardship exemption request must be submitted by an employer. The Agency will accept the notification by telephone or in writing, and will develop a system to provide confirmation numbers to employers who request hardship exemptions.

Section 815.107(a)(3)(A)(i) lowers the existing threshold from 250 or more employees to 10 or more employees for employers who must file quarterly benefit wage credit reports on magnetic or electronic media. This rule change is effective July 1, 2007. The Agency will continue ongoing notification initiatives to ensure that entities covered by this new threshold understand that compliance will be required following the effective date of the rule change.

Section 815.107(a)(3)(A)(ii) lowers the existing threshold from 250 or more employees to 10 or more employees for other entities, including agents reporting on behalf of multiple employers, who must file quarterly benefit wage credit reports on magnetic or electronic media. This rule change is effective July 1, 2007. The Agency will continue ongoing notification initiatives to ensure that entities covered by this new threshold understand that compliance will be required following the effective date of the rule change.

Section 815.107(a)(3)(B) lowers the existing threshold from less than 250 employees to less than 10 employees for employers who may file quarterly benefit wage credit reports on magnetic or electronic media. This rule change is effective July 1, 2007. The Agency will continue ongoing notification initiatives to ensure that entities covered by this new threshold understand that compliance will be required following the effective date of the rule change.

New §815.107(a)(3)(D) specifies that a quarterly benefit wage credit report filed in an approved medium shall contain both a wage credit report and a summary report. This rule change is effective July 1, 2007. The Agency will continue ongoing notification initiatives to ensure that entities covered by this new threshold understand that compliance will be required following the effective date of the rule change.

Comment: One commenter expressed concern that the proposed rule change would require employers with large numbers of employees or with high staff turnover to enter quarterly reports manually, increasing the likelihood of typographical errors in the report. The commenter indicated that the rule change would be

acceptable if TWC had an electronic means of transferring required elements of the report from the employer's computer systems to TWC's computer systems.

Response: The Commission agrees that it is impractical to enter quarterly reports manually. Therefore, the Agency provides a free program-Quickfile-to enable employers to upload data online. Quickfile is available for download from the Agency's Web site at [www.twc.state.tx.us/ui/tax/quickfile.html](http://www.twc.state.tx.us/ui/tax/quickfile.html) and allows for the upload of report elements in a variety of commonly used data formats. The Agency's Tax Department will provide information to employers statewide about the rule change as well as their reporting options.

### §815.109. Payment of Contributions and Reimbursements

Section 815.109(f) removes the 60-day limit on extensions past the due date for payment of contributions due.

Removal of the 60-day limit on extensions provides the Agency with the flexibility necessary to respond to employers facing extreme circumstances, such as natural disasters, and is consistent with the corresponding extension provisions included in §815.107(b)(3).

Section 815.109(g) requires all agents or other entities making a payment on behalf of an employer to furnish an allocation list on magnetic or electronic media using a format prescribed by the Agency. Currently, agents or other entities making a payment on behalf of 20 or more employers must furnish an allocation list on magnetic or electronic media.

The number of service agents submitting remittance allocation lists for their clients using a paper list has diminished over the years; only a very small number still submit the list in this manner. The most efficient and widely used process, for both the Agency and the service agent, is an electronic submission of the allocation list with the electronic wage reports. This change is consistent with other initiatives to increase use of technology by all customers conducting business with the Agency.

### §815.116. Identification and Tracking of Transfers and/or Acquisitions of Businesses

New §815.116 implements the portion of HB 3250 that requires the Commission, by rule, to establish procedures to identify the transfer or acquisition of a business.

New §815.116(a) states that the Agency will employ an electronic method of tracking the reporting of employees and wages to help determine instances of improper reporting by employers.

New §815.116(b) provides that to aid the Agency in its determination, upon request and as determined necessary by the Agency, employers shall provide information sufficient to enable the Agency to determine:

- (1) the status of the employing unit under investigation and whether the employer is liable under the Act;
- (2) the proper employer of the employees reported and verify whether the wages are reported by the proper entity;
- (3) the relationship between the predecessor or successor entity and whether a mandatory transfer of compensation experience is in order; and
- (4) the correct calculation of the tax rate assigned to the employer.

### §815.134. Employment Status: Employee or Independent Contractor

New §815.134 clarifies that, for the purposes of determining employee or independent contractor status, the Agency shall use the guidelines contained in §821.5 of this title.

#### §815.135. Voluntary Election by Employers

New §815.135(a) specifies that employers electing coverage under Chapter 206 of TUCA shall make the election in writing on a form specified by the Agency or by a prescribed electronic equivalent.

New §815.135(b) is added to specify that employers electing to pay reimbursements shall make the election in writing on a form specified by the Agency or by a prescribed electronic equivalent, and in compliance with Chapter 205, Subchapter A, of TUCA.

### SUBCHAPTER D. FARM AND RANCH LABOR

The Commission adopts new Subchapter D, as follows:

#### §815.150. Definition of Terms

New §815.150 defines terms relating to farm and ranch labor when used in implementing TUCA §§201.028, 201.047, and 204.009.

New §815.150(1) defines "agricultural association" as a nonprofit or cooperative association of farmers, growers, or ranchers incorporated or qualified under state law, which recruits, solicits, hires, employs, furnishes, or transports migrant or seasonal agricultural workers.

New §815.150(2) defines "agricultural employer" as an individual who owns or operates a farm, ranch, processing establishment, cannery, gin, packing shed, or nursery or who produces or conditions seed, and who either recruits, solicits, hires, employs, furnishes, or transports migrant or seasonal agricultural workers.

New §815.150(3) defines "farm labor contracting activity" as the recruiting, soliciting, hiring, employing, furnishing, or transporting of migrant or seasonal agricultural workers.

New §815.150(4) defines "farm labor contractor" as an individual, other than an agricultural employer, an agricultural association, or an employee of an agricultural employer or agricultural association, who, for any money or other valuable consideration paid or promised to be paid, performs any farm labor contracting activity.

New §815.150(5) defines "farm and ranch labor" as all services performed:

(A) on a farm or ranch in the employ of an individual in connection with cultivating the soil; raising or harvesting an agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur bearing wildlife; or

(B) in the employ of the owner, tenant, or other operator of a farm or ranch, in connection with the operation, management, conservation, improvement, or maintenance of such farm or ranch and its tools and equipment, if the major part of such service is performed on a farm or ranch.

New §815.150(6) defines "labor agent" as an individual in Texas who for a fee offers, attempts to procure, or procures employment for employees; or without a fee offers, attempts to procure, or procures employment for common or agricultural workers; or any individual who for a fee attempts to procure or procures employees for an employer; or without a fee offers or attempts to procure common or agricultural workers for employers; or any

individual, regardless of whether a fee is received or due, who offers, attempts to supply, or supplies the services of common or agricultural workers to any individual.

New §815.150(7) defines "migrant worker" as an individual who is employed in farm or ranch labor of a seasonal or temporary nature and who is required to be absent overnight from his or her permanent place of residence, provided the individual is not a temporary nonimmigrant alien who is authorized to work in agricultural employment in the United States under 8 U.S.C. §1101(a)(15)(H)(ii)(a) and §1184(c).

New §815.150(8) defines "orchard" as a farm devoted primarily to the planting, cultivating, growing, or harvesting of fruits or nuts.

New §815.150(9) defines "other farm or ranch laborer" as an individual employed in farm or ranch labor or who is neither a seasonal worker nor a migrant worker.

New §815.150(10) defines "seasonal worker" as an individual who is employed in farm or ranch labor of a seasonal or temporary nature and is not required to be absent overnight from his or her permanent place of residence, provided the individual is not a temporary nonimmigrant alien who is authorized to work in agricultural employment in the United States under 8 U.S.C. §1101(a)(15)(H)(ii)(a) and §1184(c).

New §815.150(11) defines "truck farm" as a farm on which fruits, garden vegetables for human consumption, potatoes, sugar beets, or vegetable seeds are produced for market.

New §815.150(12) defines "vineyard" as a farm devoted primarily to the planting, cultivating, growing, or harvesting of grapes.

The Agency hereby certifies that the adopted rules have been reviewed by legal counsel and found to be within the Agency's legal authority to adopt.

### SUBCHAPTER B. BENEFITS, CLAIMS AND APPEALS

#### 40 TAC §815.20

The amendment is adopted under Texas Labor Code §301.0015 and §302.002(d), which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Agency services and activities.

The amendment affects Texas Labor Code, Title 4.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on January 30, 2007.

TRD-200700255

Reagan Miller

Deputy Director for Workforce and UI Policy

Texas Workforce Commission

Effective date: February 19, 2007

Proposal publication date: December 1, 2006

For further information, please call: (512) 475-0829



### SUBCHAPTER C. TAX PROVISIONS

**40 TAC §§815.107, 815.109, 815.116, 815.134, 815.135**

The amendments and new rules are adopted under Texas Labor Code §301.0015 and §302.002(d), which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Agency services and activities.

The amendments and new rules affect Texas Labor Code, Title 4.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on January 30, 2007.

TRD-200700256

Reagan Miller

Deputy Director for Workforce and UI Policy

Texas Workforce Commission

Effective date: February 19, 2007

Proposal publication date: December 1, 2006

For further information, please call: (512) 475-0829



**SUBCHAPTER D. FARM AND RANCH  
LABOR**

**40 TAC §815.150**

The new rule is adopted under Texas Labor Code §301.0015 and §302.002(d), which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Agency services and activities.

The adopted new rule affects Texas Labor Code, Title 4.

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on January 30, 2007.

TRD-200700257

Reagan Miller

Deputy Director for Workforce and UI Policy

Texas Workforce Commission

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Proposal publication date: December 1, 2006

For further information, please call: (512) 475-0829



# REVIEW OF AGENCY RULES

notices of *intention to review*, which invite public comment to specified rules. The complete text of an agency's *plan to review* is available after it is filed with the Secretary of State on the Secretary of State's web site (<http://www.sos.state.tx.us/texreg>). The complete text of an agency's rule being reviewed and considered for *readoption* is available in the *Texas Administrative Code* on the web site (<http://www.sos.state.tx.us/tac>).

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the web site and printed copies of these notices may be directed to the *Texas Register* office.

## Proposed Rule Reviews

Texas Department of Banking

### Title 7, Part 2

On behalf of the Finance Commission of Texas (commission), the Texas Department of Banking (department) files this notice of intention to review and consider for readoption, revision, or repeal, the following chapters of Texas Administrative Code, Title 7 (Department of Banking), in their entirety:

Chapter 12 (Loans and Investments), specifically Subchapter A (Lending Limits) comprised of §§12.1 - 12.10; Subchapter B (Loans) comprised of §§12.31 - 12.33; Subchapter C (Investment Limits) comprised of §12.61 and §12.62; and Subchapter D (Investments) comprised of §12.91.

Chapter 25 (Prepaid Funeral Contracts), specifically Subchapter A (Contract Forms) comprised of §§25.1 - 25.8; Subchapter B (Regulation of Licenses) comprised of §§25.10 - 25.12, §§25.17 - 25.25, §25.31 and §25.41; Subchapter C (Investment of Trust Funds) comprised of §§25.51 - 25.59.

The review is conducted pursuant to Government Code, §2001.039. Comments regarding the review of these chapters, and whether the reasons for initially adopting the sections under review continue to exist, will be accepted for 30 days following the publication of this notice in the *Texas Register*.

Any questions or written comments pertaining to this notice of intention to review Chapter 12 should be directed to Everette D. Jobe, Senior Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Suite 300, Austin, Texas 78705, or by email to [ejobe@banking.state.tx.us](mailto:ejobe@banking.state.tx.us).

Any questions or written comments pertaining to this notice of intention to review Chapter 25 should be directed to Sarah Shirley, General Counsel, Texas Department of Banking, 2601 North Lamar Boulevard, Suite 300, Austin, Texas 78705, or by email to [sarah.shirley@banking.state.tx.us](mailto:sarah.shirley@banking.state.tx.us).

The commission also invites your comments on how to make these sections easier to understand. For example:

\*Do the sections organize the material to suit your needs? If not, how could the material be better organized?

\*Do the sections clearly state the requirements? If not, how could any section be more clearly stated?

\*Do the sections contain technical language or jargon that is not clear? If so, what language requires clarification?

This section contains notices of state agency rules review as directed by the Texas Government Code, §2001.039. Included here are (1) notices of *plan to review*; (2)

\*Would a different format (grouping and order of sections, use of headings, paragraphing) make the sections easier to understand? If so, what changes to the format would ease understanding?

\*Would dividing any section into two or more shorter sections be better? If so, what sections should be changed?

Any proposed changes to these sections as a result of the rule review will be published as proposed rules in the *Texas Register*. Proposed rules are subject to public comment for a reasonable period prior to final adoption by the commission.

TRD-200700283

Sarah J. Shirley

General Counsel

Texas Department of Banking

Filed: February 1, 2007



Texas Education Agency

### Title 19, Part 2

The Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 75, Curriculum, pursuant to the Texas Government Code, §2001.039. The rules being reviewed in 19 TAC Chapter 75 are organized under the following subchapters: Subchapter AA, Commissioner's Rules Concerning Driver Education Standards of Operation for Public Schools, Education Service Centers, and Colleges or Universities; and Subchapter BB, Commissioner's Rules Concerning Special Provisions for Career and Technology Education.

As required by the Texas Government Code, §2001.039, the TEA will accept comments as to whether the reasons for adopting 19 TAC Chapter 75 continue to exist.

The public comment period on the review of 19 TAC Chapter 75 begins February 16, 2007, and ends March 18, 2007. Comments or questions regarding this rule review may be submitted to Cristina De La Fuente-Valadez, Policy Coordination Division, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494, (512) 475-1497. Comments may also be submitted electronically to [rules@tea.state.tx.us](mailto:rules@tea.state.tx.us) or faxed to (512) 463-0028.

TRD-200700277

Cristina De La Fuente-Valadez

Director, Policy Coordination

Texas Education Agency

Filed: January 31, 2007



**Title 19, Part 2**

The Texas Education Agency (TEA) proposes the review of 19 TAC Chapter 76, Extracurricular Activities, pursuant to the Texas Government Code, §2001.039. The rules being reviewed in 19 TAC Chapter 76 are organized under the following subchapter: Subchapter AA, Commissioner's Rules.

As required by the Texas Government Code, §2001.039, the TEA will accept comments as to whether the reasons for adopting 19 TAC Chapter 76 continue to exist.

The public comment period on the review of 19 TAC Chapter 76 begins February 16, 2007, and ends March 18, 2007. Comments or

questions regarding this rule review may be submitted to Cristina De La Fuente-Valadez, Policy Coordination Division, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494, (512) 475-1497. Comments may also be submitted electronically to [rules@tea.state.tx.us](mailto:rules@tea.state.tx.us) or faxed to (512) 463-0028.

TRD-200700278

Cristina De La Fuente-Valadez  
Director, Policy Coordination

Texas Education Agency

Filed: January 31, 2007



# TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 16 TAC §26.346(b)(1)(F)

<b>Mileage</b>	<b>1st Min.</b>	<b>Add'l Min.</b>
0 - 10	.2975	.2625
11 - 22	.3150	.2975
23 - 55	.3325	.3150
56 - 124	.3675	.3500
125 - 292	.4025	.3850
293 - Over	.4200	.4025
<b>Operator Service Charges:</b>		
Customer-Dialed Calling Card Station		\$2.50
Operator-Dialed Station		\$3.75
Person To Person		\$4.50
Long Distance Access Fee		\$1.00

Figure: 19 TAC §153.1022(d)

Years Experience	Monthly Amount
0	2,732
1	2,791
2	2,849
3	2,908
4	3,032
5	3,156
6	3,280
7	3,395
8	3,504
9	3,607
10	3,704
11	3,796
12	3,884
13	3,965
14	4,043
15	4,116
16	4,186
17	4,251
18	4,313
19	4,372
20 & Over	4,427

Figure: 22 TAC §7.10(b)

Fee Description	Architects	Landscape Architects	Interior Designers
Exam Application	\$100	\$100	\$100
Examination	1071	***	**
Registration by Examination - Resident	155	*355	*355
Registration by Examination - Nonresident	180	*380	*380
Reciprocal Application	150	150	150
Reciprocal Registration	*400	*400	*400
Active Renewal - Resident	* <u>305</u> [340]	* <u>305</u> [340]	* <u>305</u> [340]
Active Renewal - Nonresident	*400	*400	*400
Active Renewal 1-90 days late - Resident	* <u>457.50</u> [465]	* <u>457.50</u> [465]	* <u>457.50</u> [465]
Active Renewal 91-365 days late - Resident	* <u>610</u> [620]	* <u>610</u> [620]	* <u>610</u> [620]
Active Renewal 1-90 days late - Nonresident	*600	*600	*600
Active Renewal 91-365 days late - Nonresident	*800	*800	*800
Emeritus Renewal - Resident	<u>25</u> [50]	N/A	N/A
Emeritus Renewal- Nonresident	<u>125</u> [183]	N/A	N/A
Emeritus Renewal 1-90 days late - Resident	<u>37.50</u> [75]	N/A	N/A
Emeritus Renewal 91-365 days late - Resident	<u>50</u> [100]	N/A	N/A
Emeritus Renewal 1-90 days late - Nonresident	<u>187.50</u> [274.50]	N/A	N/A
Emeritus Renewal 91-365 days late - Nonresident	<u>250</u> [366]	N/A	N/A
Inactive Renewal - Resident	<u>25</u> [50]	<u>25</u> [50]	<u>25</u> [50]
Inactive Renewal - Nonresident	125	125	125
Inactive Renewal 1-90 days late - Resident	<u>37.50</u> [75]	<u>37.50</u> [75]	<u>37.50</u> [75]
Inactive Renewal 91-365 days late - Resident	<u>50</u> [100]	<u>50</u> [100]	<u>50</u> [100]
Inactive Renewal 1-90 days late - Nonresident	187.50	187.50	187.50
Inactive Renewal 91-365 days late - Nonresident	250	250	250
Reciprocal Reinstatement	620	620	620
Change in Status - Resident	65	65	65
Change in Status - Nonresident	95	95	95
Reinstatement - Resident	685	685	685
Reinstatement - Nonresident	775	775	775
Certificate of Standing - Resident	30	30	30
Certificate of Standing - Nonresident	40	40	40
Replacement or Duplicate Wall Certificate - Resident	<u>40</u> [80]	<u>40</u> [80]	<u>40</u> [80]
Replacement of Duplicate Wall Certificate - Nonresident	<u>45</u> [90]	<u>45</u> [90]	<u>45</u> [90]
Duplicate Pocket Card	<u>0</u> [15]	<u>0</u> [15]	<u>0</u> [15]
Reopen Fee for closed candidate files	25	25	25
Examination - Administrative Fee	-	40	-
Examination - Record Maintenance	25	25	25
Returned Check Fee	25	25	25
Application by Prior Examination	-	-	100
Administrative Fee for 1.5 Hour LARE Review	-	22	-
Administrative Fee for 1 Hour LARE Review	-	17	-

\*These fees include a \$200 professional fee required by the State of Texas and deposited with the State Comptroller of Public Accounts into the General Revenue Fund. The fee for initial architectural registration by examination does not include the \$200 professional fee. Under the statute, the professional fee is imposed only upon each renewal of architectural registration.

\*\*NCIDQ fee: [2005—\$695; 2006—\$710;] 2007--\$720. Specified amounts are maximum estimates made by NCIDQ, the examination provider for the entire examination. Contact the Board or the examination provider for the fee for each section of the examination.

\*\*\*LARE fee: [Fiscal year 2006—\$860;] Fiscal year 2007--\$885. Specified amounts are estimates made by CLARB, the examination provider for the entire examination. Contact the Board or the examination provider for the fee for each section of the examination.



# 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.

## Texas Department of Agriculture

### Notice of Acceptance of Applications for the Catfish Grant Program

In accordance with §3012 of the Agricultural Disaster Assistance Act of 2006, the Commodity Credit Corporation (CCC) will provide a grant to the Texas Department of Agriculture (TDA) for distribution to eligible catfish producers adversely affected by the 2005 hurricanes. On February 16, 2007, TDA will begin accepting assistance fund applications from eligible catfish producers.

**Eligibility Criteria.** To be eligible for assistance funds, the catfish producer must meet the following criteria:

1. Must have suffered catfish feed losses caused by the 2005 hurricanes;
2. Must have raised catfish in a controlled environment as part of a farming operation during the covered period;
3. Must have had a risk in the production of such catfish;
4. Must have not already received, or receive in the future, assistance funds covered under any other Federal program for the same catfish feed losses;
5. Must have records on file at an applicable Farm Service Agency (FSA) county office indicating compliance with: (i) adjusted gross income limitations contained in §1001D of the Food Security Act of 1985 and (ii) conservation compliance provisions according to regulations found at 7 CFR Part 23; and
6. Must have had a catfish operation suffering feed losses located in one of the following 42 counties: Anderson, Angelina, Austin, Brazoria, Cass, Chambers, Cherokee, Fort Bend, Galveston, Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Houston, Jasper, Jefferson, Leon, Liberty, Madison, Marion, Matagorda, Montgomery, Morris, Nacogdoches, Newton, Orange, Panola, Polk, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Trinity, Tyler, Upshur, Walker, Waller and Wharton.

**Covered Losses.** Funds can only be paid for documented catfish feed losses incurred because of the 2005 hurricanes. No farming operation may receive more than \$80,000 in fund payments under this grant program, except for general partnerships and joint ventures whose assistance shall not exceed \$80,000 times the number of members that constitute the general partnership or joint venture.

**Submitting an Application.** Applications will be accepted beginning February 16, 2007. Applications will be available on TDA's Web site at: [www.agr.state.tx.us](http://www.agr.state.tx.us), or available upon request from TDA by calling (512) 936-0761. Applications must be received at TDA headquarters in Austin by the deadline provided below, and addressed to: Catfish Grant Program, Texas Department of Agriculture, P.O. Box 12847, Austin, Texas 78711 or faxed to (888) 203-5567. Applications must be certified by the applicant and include supporting documentation for losses claimed. Documentation must be provided before the applicant will be paid. **Applicants will not be reimbursed for losses already claimed and reimbursed under this Grant Program or any**

**other Federal program, including the Aquaculture Grant Program administered by TDA.**

Applicants will also be required to complete an application for a State of Texas Payee ID number, as part of the application for the catfish assistance funds, if they do not already have this number on file with the Office of the State Comptroller.

**Deadline for Submission of Applications.** Applications must be received by TDA by **March 30, 2007.**

The amount of assistance provided to each eligible catfish producer shall be the result of multiplying the number of tons of catfish feed purchased in 2005 by the producer, times \$39, the 2005 average 30-day catfish feed supply rate per ton. In the event that the sum of the total amount of eligible claims submitted for catfish grants in all eligible states plus the total amount of eligible claims submitted under 2005 Livestock Compensation Program exceeds \$95 million, each payment to an individual catfish producer shall be reduced by a uniform national percentage, as determined by CCC. TDA will distribute funds after all valid applications are processed and funds are received from the U.S. Department of Agriculture.

**Further Information.** Additional information about the catfish grant program and application process can be found on TDA's website. In addition, catfish producers may contact Cary Dupuy, Federal and Trade Specialist, TDA at (512) 936-0761 or [cary.dupuy@agr.state.tx.us](mailto:cary.dupuy@agr.state.tx.us), for more information.

TRD-200700332

Dolores Alvarado Hibbs  
Deputy General Counsel  
Texas Department of Agriculture  
Filed: February 6, 2007



### Request for Proposals: Food and Fibers Research Grant Program

#### Statement of Purpose.

The Texas Department of Agriculture (TDA) is requesting proposals for projects for the Food and Fibers Research Grant Program (FFRGP). The FFRGP is administered by TDA under the direction of the Food and Fibers Research Council (Council). The purpose of this program is to provide a vehicle for the Texas fibers and oilseeds industries to facilitate and support applied research in Texas by engaging in surveys, research, and investigations relating to the use of cotton fiber, cottonseed, oilseed products, other products of the cotton plant, wool, mohair, and other textile products. Funded projects are expected to yield applicable results within 1-6 years.

#### Submission Dates/Locations.

Forms required for submitting a proposal are available by accessing TDA's website at: [www.agr.state.tx.us](http://www.agr.state.tx.us), or by e-mailing the FFRGP at: [ffrgp@agr.state.tx.us](mailto:ffrgp@agr.state.tx.us). One hard copy and one electronic copy of the proposal in Microsoft Word format must arrive no later than 5:00 p.m. on April 10, 2007 to one of the following:

Physical Address: Texas Department of Agriculture, Food and Fibers Research Grant Program, Attn: Karen Reichel, Stephen F. Austin Bldg, Rm #1125E Austin, TX 78701.

Mailing Address: Texas Department of Agriculture, Food and Fibers Research Grant Program, Attn: Karen Reichel, P.O. Box 12847, Austin, TX 78711.

The electronic copy should be e-mailed to: [ffrgp@agr.state.tx.us](mailto:ffrgp@agr.state.tx.us).

#### **Eligibility.**

Grant proposals will be accepted from any state-supported university, state agency, or federal agricultural agency located in the State of Texas.

#### **Funding Areas.**

All proposals must meet at least one topical area listed below:

1. Cotton research related to cotton production, quality, and processing;
2. Sheep and goat research related to wool and mohair production, quality, and processing;
3. Food protein and nutrition research related to cottonseed or peanut production, quality, processing, and consumption; and
4. Textile and natural fibers utilization research related to cotton, wool, and mohair textile production, quality, and utilization.
5. Texas Agricultural Research Database, currently housed at the University of Texas-Austin, transfer and continued production, maintenance, upgrades and expansions.

#### **Proposal Requirements.**

##### ***Funding Parameters:***

It is anticipated that most projects will be funded in a range of \$15,000 - \$40,000 per year. Projects that exceed this range must have strong justification and a potential for providing significant, demonstrable benefits to Texas agriculture. Projects will be awarded for two years (September 1, 2007 - August 31, 2009). Projects may be re-submitted in subsequent years for continued funding.

TDA reserves the right to fund proposals partially or fully. Where more than one proposal on an eligible research topic is acceptable for funding, TDA may request cooperation between grantees or revision/adjustment to a proposal in order to avoid duplication and to realize the maximum benefit to the state.

##### ***Form Requirements:***

Proposals must be submitted on form FF-100 for consideration.

FF-100 shall not exceed 6 pages. (2 pages for Personnel/contact information, 3 pages for research proposal, and 1 page for budget information.)

The required forms are available by accessing TDA's website at <http://www.agr.state.tx.us/> or by e-mailing the FFRGP at: [ffrgp@agr.state.tx.us](mailto:ffrgp@agr.state.tx.us).

##### ***Technical Requirements:***

Include the following items:

1. **Personnel/Contact Information - Do Not Exceed Two Pages.** Include title, performing institution, principal investigator contact information and experience, responsible contracts officer information, and cooperating investigators and their experience.
2. **Research Proposal - Do Not Exceed Three Pages.** Include the following:

A. Background - Statement of the research problem and its general background;

B. Objectives - Concise outline of specific, feasible research objectives;

C. Research Plan - Strategies, procedures, and methodologies used in addressing the questions asked; and

D. Benefits - Description of the expected results and their anticipated contributions to agriculture in Texas.

#### **3. Performance and Budget Information.** Include the following:

A. Published Reports - Estimated number of reports that will be published or presented during the funding period;

B. Project Budget - Include categories of Salary, Travel, Materials and Operating Expenses, Equipment, Other, Contracts, and Indirect (not to exceed 10%). Round budget items to the nearest \$100;

C. Supporting Funds Table - The FFRGP does not have a specific supporting funds requirement, but the ability of a project to claim supporting funds will be a positive factor in the review process. Supporting funds must be documented on the budget submission form and reported on a quarterly basis; and

D. Indirect Costs - The FFRGP will allow 10% of the grant award amount to be used for the reimbursement of indirect costs. Additionally, up to 20% of the grant award amount may be claimed as Supporting Funds. See "C." above.

#### ***Budget Information:***

FFRGP projects are paid on a cost reimbursement basis.

1. **Eligible Expenses.** Generally, expenses that are necessary and reasonable for proper and efficient performance and administration of a project are eligible. Expenses must be properly documented with sufficient backup detail, including copies of invoices. Examples of eligible expenditures are:

A. Personnel costs - both salary and benefits;

B. Travel - domestic (Reimbursement for foreign travel is discouraged);

C. Materials and direct operating expenses - equipment that costs less than \$5,000 per unit, research and office supplies, postage, telecommunications, printing, etc.;

D. Equipment - nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more; and

E. Other expenses - any expenses that do not fall into the above categories;

F. Contracts - agreements made with other universities or private parties to perform a portion of the award; and

G. Indirect expenses - the FFRGP limits reimbursable indirect expenses to 10% of the grant award.

2. **Ineligible Expenses.** Expenses that are prohibited by state or federal law are ineligible. Examples of these expenditures are:

A. Alcoholic beverages;

B. Entertainment;

C. Contributions, charitable or political;

D. Expenses falling outside of the contract period;

E. Expenses for expenditures not listed in the project budget; and

F. Expenses that are not adequately documented.

3. **Description of the Budget.** Present an overall project budget and include the following items in the budget description:

A. **Personnel services:** Grant funds may be used for directly supporting salaries and wages of investigators, co-investigators, graduate, and technical assistants. Support personnel can receive salaries and social/fringe benefits in proportion to the time devoted to the research project.

B. **Travel:** Grant funds used for travel expenses, domestic or foreign, must be limited to the State of Texas established mileage, per diem, and lodging policies. Reimbursement for foreign travel is discouraged, but may be paid on a case-by-case basis. To be eligible for reimbursement, foreign travel shall be approved in advance by the Commissioner or his designee.

C. **Materials and Direct Operating Expenses:** Expenses that are directly related to the grantee's day-to-day operation of the grant project that are not included in any of the Grantee's other standard budget categories and has an acquisition cost of less than \$5,000 per unit. Grantees must allocate costs on a prorated basis for shared usage, including research and office supplies, postage, telecommunications, and printing.

D. **Equipment:** Defined as tangible personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Applicants must submit with their grant applications a list of all proposed equipment purchases for approval. Grantees are not authorized to purchase any equipment until they have received written approval to do so from the Commissioner or his designee through the original grant award or a subsequent grant adjustment notice. The FFRGP may refuse any request for equipment. Decisions regarding equipment purchases are made based on whether or not the grantee has demonstrated that the requested equipment is necessary, essential to the successful operation of the grant project, and reasonable in cost. Equipment purchased with FFRGP funds remains the property of TDA and is subject to TDA inventory reporting requirements.

E. **Professional/Contractual:** Any contract or agreement entered into by a grantee and a third party that obligates grant funds must be in writing and consistent with Texas contract law. Grantees must maintain adequate documentation supporting budget items for a contractor's time, services, and rates of compensation.

F. **Indirect Expenses:** Grant funds may be used for indirect costs up to 10% of the grant award amount.

G. **Supporting Funds:** The FFRGP is required by the Texas Legislature to report the supporting funds its projects receive. These supporting funds include other grants for the same or related projects, in-kind contributions of salary, materials, and/or equipment usage, and overhead attributable to the project (up to 20% of the grant award). Quarterly reports of actual supporting funds and in-kind contributions will be required throughout the year detailing the source and amount.

H. **Additional Budget Information:** Provide any additional information you think would be helpful to the review committee including equipment justification, subcontract recipients and amounts, list of key personnel to be paid, or description of other large item expenditures.

#### Evaluation of Proposals.

One or more review panels may evaluate the proposals, including the Council.

The proposals will be evaluated on the following elements:

1. the scientific and technological merit of the proposal;
2. the potential of meeting the applied research requirement with expected application of useful results for agriculture within 1-6 years of the project's initiation;
3. the feasibility of the objectives;
4. the anticipated benefits to agriculture and the environment in Texas;
5. the requested budget in relation to the research plan; and
6. the ability to leverage additional funds.

#### Award Information and Notification.

The Council will approve projects for funding by the FFRGP. The FFRGP reserves the right to accept or reject any or all proposals submitted. TDA and the Council are under no legal or other obligation to execute a grant on the basis of a submitted RFP. TDA shall not pay for any costs incurred by any entity in responding to this RFP.

The public announcements and written notifications will be made to all applicants and their affiliated research institution. Favorable decisions will indicate the amount of award, duration of the grant, and any special conditions associated with the project.

#### General Compliance Information.

1. Prior to accepting the research grant and signing the grant agreement, researchers will be provided a copy of the TDA reporting requirements for their review. This document will explain billing procedures, quarterly and annual reporting requirements, procedures for requesting a change in the project scope or budget, and other miscellaneous items.
2. Any delegation by the Grantee to a subcontractor regarding any duties and responsibilities imposed by the grant award shall be approved in advance by TDA and shall not relieve the Grantee of its responsibilities to TDA for the performance thereof.
3. All grant awards are subject to the availability of appropriations and authorizations by the Texas Legislature, TDA and the Council.
4. Any information or documentation submitted to TDA as part of the project grant proposal is subject to disclosure under the Texas Public Information Act.
5. While FFRGP attempts to observe the strictest confidence in handling the research proposals, it cannot guarantee complete confidentiality on any matters that lie beyond its control. The confidentiality of recipient's "proprietary data" so designated shall be strictly observed to the extent permitted by appropriate Texas laws, including the Texas Public Information Act. There shall be no restriction on the publication of research results except when taking into consideration effects of prior publication on possible subsequent patent and license to use copyrighted material.
6. Control of the ownership and disposition of all patentable products and inventories shall be agreed to by Grantee and TDA. A copy of the intellectual property policy should be made available to the FFRGP upon request.
7. Grant recipients must submit information on their funded project to the Texas Agricultural Research Database.
8. Awarded grant projects must remain in full compliance with state and federal laws and regulations or be subject to termination at the discretion of TDA.
9. Grant recipients must keep a separate bookkeeping account with a complete record of all expenditures relating to the research project. Records shall be maintained for three years after the completion of the research project or as otherwise agreed upon with TDA. TDA and the

Texas State Auditor's Office reserve the right to examine all books, documents, records, and accounts relating to the research project at any time throughout the duration of the agreement and for three years immediately thereafter. If there has been any litigation, claim, negotiation, audit or other action started prior to the expiration of the three-year period involving the records, then the records must be retained until the completion of the action and resolution of all issues which arise from it, or until the end of the regular three-year period, whichever is later. TDA and the Texas State Auditor's Office reserve the right to inspect the research locations and to obtain from the research team full information regarding all project activities.

10. If the Grantee has a financial audit performed in any year during which Grantee receives funds from Grantor, and if the Grantor requests information about the audit, the Grantee shall provide such information to TDA or provide information as to where the audit report can be publicly viewed, including the audit transmittal letter, management letter, and any schedules in which the Grantee's funds are included.

11. Grant awards to Texas institutions shall comply in all respects with the Uniform Grant Management Standards (UGMS). A copy may be downloaded from the following website: [www.governor.state.tx.us/divisions/stategrants/guidelines/files/U\\_GMS012001.doc](http://www.governor.state.tx.us/divisions/stategrants/guidelines/files/U_GMS012001.doc)

Grant management guidelines for FFRGP grants will be published under separate cover.

**For any questions:**

Please contact Ms. Karen Reichek at (512) 936-2450 or by e-mail at [ffrgp@agr.state.tx.us](mailto:ffrgp@agr.state.tx.us).

TRD-200700347

Dolores Alvarado Hibbs

Deputy General Counsel

Texas Department of Agriculture

Filed: February 7, 2007

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## Office of the Attorney General

### Child Support Guidelines - 2007 Tax Charts

Pursuant to §154.061(b) of the Texas Family Code, the Office of the Attorney General of Texas, as the Title IV-D agency, has promulgated the following tax charts to assist courts in establishing the amount of a child support order. These tax charts are applicable to employed and self-employed persons in computing net monthly income.

#### INSTRUCTIONS FOR USE

To use these tables, first compute the obligor's annual gross income. Then recompute to determine the obligor's average monthly gross income. These tables provide a method for calculating "monthly net income" for child support purposes, subtracting from monthly gross income the social security taxes and the federal income tax withholding for a single person claiming one personal exemption and the standard deduction.

Thereafter, in many cases the guidelines call for a number of additional steps to complete the necessary calculations. For example, §§154.061 - 154.070 provide for appropriate additions to "income" as that term is defined for federal income tax purposes, and for certain subtractions from monthly net income, in order to arrive at the net resources of the obligor available for child support purposes. If necessary, one may compute an obligee's net resources using similar steps.

This agency hereby certifies that the tax charts have been reviewed by legal counsel and found to be within the agency's authority to publish.

For information regarding this publication, contact Lauri Saathoff, Agency Liaison at (512) 463-2096.

**EMPLOYED PERSONS  
2007 TAX CHART**

Social Security Taxes

Monthly Gross Wages	Social Security Taxes		Federal Income Taxes**	Net Monthly Income
	Old-Age, Survivors and Disability Insurance Taxes (6.2%)*	Hospital (Medicare) Insurance Taxes (1.45%)*		
\$100.00	\$6.20	\$1.45	\$0.00	\$92.35
\$200.00	\$12.40	\$2.90	\$0.00	\$184.70
\$300.00	\$18.60	\$4.35	\$0.00	\$277.05
\$400.00	\$24.80	\$5.80	\$0.00	\$369.40
\$500.00	\$31.00	\$7.25	\$0.00	\$461.75
\$600.00	\$37.20	\$8.70	\$0.00	\$554.10
\$700.00	\$43.40	\$10.15	\$0.00	\$646.45
\$800.00	\$49.60	\$11.60	\$7.08	\$731.72
\$892.67***	\$55.35	\$12.94	\$16.35	\$808.03
\$900.00	\$55.80	\$13.05	\$17.08	\$814.07
\$1,000.00	\$62.00	\$14.50	\$27.08	\$896.42
\$1,100.00	\$68.20	\$15.95	\$37.08	\$978.77
\$1,200.00	\$74.40	\$17.40	\$47.08	\$1,061.12
\$1,300.00	\$80.60	\$18.85	\$57.08	\$1,143.47
\$1,400.00	\$86.80	\$20.30	\$68.02	\$1,224.88
\$1,500.00	\$93.00	\$21.75	\$83.02	\$1,302.23
\$1,600.00	\$99.20	\$23.20	\$98.02	\$1,379.58
\$1,700.00	\$105.40	\$24.65	\$113.02	\$1,456.93
\$1,800.00	\$111.60	\$26.10	\$128.02	\$1,534.28
\$1,900.00	\$117.80	\$27.55	\$143.02	\$1,611.63
\$2,000.00	\$124.00	\$29.00	\$158.02	\$1,688.98
\$2,100.00	\$130.20	\$30.45	\$173.02	\$1,766.33
\$2,200.00	\$136.40	\$31.90	\$188.02	\$1,843.68
\$2,300.00	\$142.60	\$33.35	\$203.02	\$1,921.03
\$2,400.00	\$148.80	\$34.80	\$218.02	\$1,998.38
\$2,500.00	\$155.00	\$36.25	\$233.02	\$2,075.73
\$2,600.00	\$161.20	\$37.70	\$248.02	\$2,153.08
\$2,700.00	\$167.40	\$39.15	\$263.02	\$2,230.43
\$2,800.00	\$173.60	\$40.60	\$278.02	\$2,307.78
\$2,900.00	\$179.80	\$42.05	\$293.02	\$2,385.13
\$3,000.00	\$186.00	\$43.50	\$308.02	\$2,462.48
\$3,100.00	\$192.20	\$44.95	\$323.02	\$2,539.83
\$3,200.00	\$198.40	\$46.40	\$338.02	\$2,617.18
\$3,300.00	\$204.60	\$47.85	\$353.02	\$2,694.53
\$3,400.00	\$210.80	\$49.30	\$369.02	\$2,770.21
\$3,500.00	\$217.00	\$50.75	\$394.02	\$2,837.56
\$3,600.00	\$223.20	\$52.20	\$419.02	\$2,904.91
\$3,700.00	\$229.40	\$53.65	\$444.02	\$2,972.26
\$3,800.00	\$235.60	\$55.10	\$469.02	\$3,039.61
\$3,900.00	\$241.80	\$56.55	\$494.02	\$3,106.96
\$4,000.00	\$248.00	\$58.00	\$519.02	\$3,174.31
\$4,250.00	\$263.50	\$61.63	\$582.19	\$3,342.68
\$4,500.00	\$279.00	\$65.25	\$644.69	\$3,511.06
\$4,750.00	\$294.50	\$68.88	\$707.19	\$3,679.43
\$5,000.00	\$310.00	\$72.50	\$769.69	\$3,847.81
\$5,250.00	\$325.50	\$76.13	\$832.19	\$4,016.18
\$5,500.00	\$341.00	\$79.75	\$894.69	\$4,184.56
\$5,750.00	\$356.50	\$83.38	\$957.19	\$4,352.93
\$6,000.00	\$372.00	\$87.00	\$1,019.69	\$4,521.31
\$6,250.00	\$387.50	\$90.63	\$1,082.19	\$4,689.68
\$6,500.00	\$403.00	\$94.25	\$1,144.69	\$4,858.06
\$6,750.00	\$418.50	\$97.88	\$1,207.19	\$5,026.43
\$7,000.00	\$434.00	\$101.50	\$1,269.69	\$5,194.81
\$7,500.00	\$465.00	\$108.75	\$1,405.06	\$5,521.19
\$8,000.00	\$496.00	\$116.00	\$1,545.06	\$5,842.94
\$8,233.61****	\$503.75****	\$119.39	\$1,610.47	\$6,000.00
\$8,500.00	\$503.75	\$123.25	\$1,685.06	\$6,187.94
\$9,000.00	\$503.75	\$130.50	\$1,825.06	\$6,540.69
\$9,500.00	\$503.75	\$137.75	\$1,965.06	\$6,893.44
\$10,000.00	\$503.75	\$145.00	\$2,105.06	\$7,246.19
\$10,500.00	\$503.75	\$152.25	\$2,245.06	\$7,598.94
\$11,000.00	\$503.75	\$159.50	\$2,385.06	\$7,951.69
\$11,500.00	\$503.75	\$166.75	\$2,525.06	\$8,304.44
\$12,000.00	\$503.75	\$174.00	\$2,665.06	\$8,657.19
\$12,500.00	\$503.75	\$181.25	\$2,805.06	\$9,009.94
\$13,000.00	\$503.75	\$188.50	\$2,945.06	\$9,362.69
\$13,500.00	\$503.75	\$195.75	\$3,088.24	\$9,712.26
\$14,000.00	\$503.75	\$203.00	\$3,230.35	\$10,062.90
\$14,500.00	\$503.75	\$210.25	\$3,393.37	\$10,392.63
\$15,000.00	\$503.75	\$217.50	\$3,560.86	\$10,717.89

**Footnotes to Employed Persons 2007 Tax Chart:**

\* An employed person not subject to the Old-Age, Survivors and Disability Insurance/Hospital (Medicare) Insurance taxes will be allowed the reductions reflected in these columns, unless it is shown that such person has no similar contributory plan such as teacher retirement, federal railroad retirement, federal civil service retirement, etc.

\*\* These amounts represent one-twelfth (1/12) of the annual Federal income tax calculated for a single taxpayer claiming one personal exemption (\$3,400.00, subject to reduction in certain cases, as described in the next paragraph of this footnote) and taking the standard deduction (\$5,350.00).

For a single taxpayer with an adjusted gross income in excess of \$156,400.00, the deduction for the personal exemption is reduced by two-thirds (2/3) of two percent (2%) for each \$2,500.00 or fraction thereof by which adjusted gross income exceeds \$156,400.00. The deduction for the personal exemption is no longer reduced for adjusted gross income in excess of \$278,900.00. For example, monthly gross wages of \$15,000.00 times 12 months equals \$180,000.00. The excess over \$156,400 is \$23,600.00. \$23,600.00 divided by \$2,500.00 equals 9.44. The 9.44 amount is rounded up to 10. The reduction percentage is 13.33% (2/3 x 2% x 10 = 13.33%). The \$3,400.00 deduction for one personal exemption is reduced by \$453.33 (\$3,400.00 x 13.33% = \$453.33) to \$2,946.67 (\$3,400.00 - \$453.33 = \$2,946.67). For adjusted gross income in excess of \$278,900.00 the deduction for the personal exemption is \$1,133.00.

\*\*\* The amount represents one-twelfth (1/12) of the gross income of an individual earning the federal minimum wage (\$5.15 per hour as of the date these charts were promulgated, please be aware that federal legislation is pending that may change the federal minimum wage) for a 40 hour week for a full year. \$5.15 per hour x 40 hours per week x 52 weeks per year equals \$10,712.00 per year. One-twelfth (1/12) of \$10,712.00 equals \$892.67.

\*\*\*\* For annual gross wages above \$97,500.00, this amount represents a monthly average of the Old-Age, Survivors and Disability Insurance tax based on the 2007 maximum Old-Age, Survivors and Disability Insurance tax of \$6,045.00 per person (6.2% of the first \$97,500.00 of annual gross wages equals \$6,045.00). One-twelfth (1/12) of \$6,045.00 equals \$503.75.

\*\*\*\*\* This amount represents the point where the monthly gross wages of an employed individual would result in \$6,000.00 of net resources.

\* \* \* \* \*

**References Relating to Employed Persons 2007 Tax Chart:**

1. Old-Age, Survivors and Disability Insurance Tax
  - (a) Contribution Base
    - (1) Social Security Administration's notice dated October 19, 2006, and appearing in 71 Fed. Reg. 62,636 (October 26, 2006)
    - (2) Section 3121(a) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §3121(a))
    - (3) Section 230 of the Social Security Act, as amended (42 U.S.C. §430)

- (b) Tax Rate
  - (1) Section 3101(a) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §3101(a))
- 2. Hospital (Medicare) Insurance Tax
  - (a) Contribution Base
    - (1) Section 3121(a) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §3121(a))
    - (2) Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, §13207, 107 Stat. 312, 467-69 (1993)
  - (b) Tax Rate
    - (1) Section 3101(b) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §3101(b))
- 3. Federal Income Tax
  - (a) Tax Rate Schedule for 2007 for Single Taxpayers
    - (1) Revenue Procedure 2006-53, Section 3.01, Table 3 which appears in Internal Revenue Bulletin 2006-48, dated November 27, 2006
    - (2) Section 1(c), (f) and (i) of the Internal Revenue Code of 1986, as (26 U.S.C. §1(c), 1(f), 1(i))
  - (b) Standard Deduction
    - (1) Revenue Procedure 2006-53, Section 3.11(1), which appears in Internal Revenue Bulletin 2006-48, dated November 27, 2006
    - (2) Section 63(c) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §63(c))
  - (c) Personal Exemption
    - (1) Revenue Procedure 2006-53, Section 3.18, which appears in Internal Revenue Bulletin 2006-48, dated November 27, 2006
    - (2) Section 151(d) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §151(d))

**SELF-EMPLOYED PERSONS  
2007 TAX CHART**

Monthly Net Earnings From Self-Employment *	Social Security Taxes		Federal Income Taxes***	Net Monthly Income
	Old-Age, Survivors and Disability Insurance Taxes (12.4%**)	Hospital (Medicare) Insurance Taxes (2.9%**)		
\$100.00	\$11.45	\$2.68	\$0.00	\$85.87
\$200.00	\$22.90	\$5.36	\$0.00	\$171.74
\$300.00	\$34.35	\$8.03	\$0.00	\$257.62
\$400.00	\$45.81	\$10.71	\$0.00	\$343.48
\$500.00	\$57.26	\$13.39	\$0.00	\$429.35
\$600.00	\$68.71	\$16.07	\$0.00	\$515.22
\$700.00	\$80.16	\$18.75	\$0.00	\$601.09
\$800.00	\$91.61	\$21.43	\$1.43	\$685.53
\$900.00	\$103.06	\$24.10	\$10.73	\$762.11
\$1,000.00	\$114.51	\$26.78	\$20.02	\$838.69
\$1,100.00	\$125.97	\$29.46	\$29.31	\$915.26
\$1,200.00	\$137.42	\$32.14	\$38.61	\$991.83
\$1,300.00	\$148.87	\$34.82	\$47.90	\$1,068.41
\$1,400.00	\$160.32	\$37.49	\$57.19	\$1,145.00
\$1,500.00	\$171.77	\$40.17	\$67.13	\$1,220.93
\$1,600.00	\$183.22	\$42.85	\$81.07	\$1,292.86
\$1,700.00	\$194.67	\$45.53	\$95.01	\$1,364.79
\$1,800.00	\$206.13	\$48.21	\$108.95	\$1,436.71
\$1,900.00	\$217.58	\$50.88	\$122.89	\$1,508.65
\$2,000.00	\$229.03	\$53.56	\$136.83	\$1,580.58
\$2,100.00	\$240.48	\$56.24	\$150.77	\$1,652.51
\$2,200.00	\$251.93	\$58.92	\$164.71	\$1,724.44
\$2,300.00	\$263.38	\$61.60	\$178.65	\$1,796.37
\$2,400.00	\$274.83	\$64.28	\$192.59	\$1,868.30
\$2,500.00	\$286.29	\$66.95	\$206.53	\$1,940.23
\$2,600.00	\$297.74	\$69.63	\$220.47	\$2,012.16
\$2,700.00	\$309.19	\$72.31	\$234.41	\$2,084.09
\$2,800.00	\$320.64	\$74.99	\$248.35	\$2,156.02
\$2,900.00	\$332.09	\$77.67	\$262.29	\$2,227.95
\$3,000.00	\$343.54	\$80.34	\$276.23	\$2,299.89
\$3,100.00	\$354.99	\$83.02	\$290.17	\$2,371.82
\$3,200.00	\$366.44	\$85.70	\$304.11	\$2,443.75
\$3,300.00	\$377.90	\$88.38	\$318.05	\$2,515.67
\$3,400.00	\$389.35	\$91.06	\$331.99	\$2,587.60
\$3,500.00	\$400.80	\$93.74	\$345.93	\$2,659.53
\$3,600.00	\$412.25	\$96.41	\$359.87	\$2,731.47
\$3,700.00	\$423.70	\$99.09	\$373.81	\$2,803.40
\$3,800.00	\$435.15	\$101.77	\$402.57	\$2,865.33
\$3,900.00	\$446.60	\$104.45	\$425.81	\$2,927.26
\$4,000.00	\$458.06	\$107.13	\$449.04	\$2,989.19
\$4,250.00	\$486.68	\$113.82	\$507.13	\$3,142.37
\$4,500.00	\$515.31	\$120.52	\$565.21	\$3,295.55
\$4,750.00	\$543.94	\$127.21	\$623.29	\$3,448.73
\$5,000.00	\$572.57	\$133.91	\$681.38	\$3,601.91
\$5,250.00	\$601.20	\$140.60	\$739.46	\$3,755.09
\$5,500.00	\$629.83	\$147.30	\$797.55	\$3,908.27
\$5,750.00	\$658.46	\$153.99	\$855.63	\$4,061.45
\$6,000.00	\$687.08	\$160.69	\$913.72	\$4,214.63
\$6,250.00	\$715.71	\$167.38	\$971.80	\$4,367.81
\$6,500.00	\$744.34	\$174.08	\$1,029.89	\$4,520.99
\$6,750.00	\$772.97	\$180.78	\$1,087.97	\$4,674.17
\$7,000.00	\$801.60	\$187.47	\$1,146.05	\$4,827.35
\$7,500.00	\$858.86	\$200.86	\$1,262.22	\$5,178.06
\$8,000.00	\$916.11	\$214.25	\$1,386.81	\$5,528.77
\$8,500.00	\$973.37	\$227.64	\$1,516.92	\$5,879.48
\$8,854.81*****	\$1,007.50****	\$237.15	\$1,610.16	\$6,000.00
\$9,000.00	\$1,007.50	\$241.03	\$1,650.27	\$6,101.20
\$9,500.00	\$1,007.50	\$254.42	\$1,788.39	\$6,449.69
\$10,000.00	\$1,007.50	\$267.82	\$1,926.52	\$6,798.16
\$10,500.00	\$1,007.50	\$281.21	\$2,064.64	\$7,146.65
\$11,000.00	\$1,007.50	\$294.60	\$2,202.77	\$7,495.13
\$11,500.00	\$1,007.50	\$307.99	\$2,340.89	\$7,843.62
\$12,000.00	\$1,007.50	\$321.38	\$2,479.02	\$8,192.10
\$12,500.00	\$1,007.50	\$334.77	\$2,617.14	\$8,540.59
\$13,000.00	\$1,007.50	\$348.16	\$2,755.27	\$8,889.07
\$13,500.00	\$1,007.50	\$361.55	\$2,893.40	\$9,237.55
\$14,000.00	\$1,007.50	\$374.94	\$3,031.52	\$9,586.04
\$14,500.00	\$1,007.50	\$388.33	\$3,169.65	\$9,934.52
\$15,000.00	\$1,007.50	\$401.72	\$3,307.77	\$10,283.01



**Footnotes to Self-Employed Persons 2007 Tax Chart:**

\* Determined without regard to Section 1402(a)(12) of the Internal Revenue Code of 1986, as amended (26 U.S.C.) (the "Code").

\*\* In calculating each of the Old-Age, Survivors and Disability Insurance tax and the Hospital (Medicare) Insurance tax, net earnings from self-employment are reduced by the deduction under Section 1402(a)(12) of the Code. The deduction under Section 1402(a)(12) of the Code is equal to net earnings from self-employment (determined without regard to Section 1402(a)(12) of the Code) multiplied by one-half (1/2) of the sum of the Old-Age, Survivors and Disability Insurance tax rate (12.4%) and the Hospital (Medicare) Insurance tax rate (2.9%). The sum of these rates is 15.3% (12.4% + 2.9% = 15.3%). One-half (1/2) of the combined rate is 7.65% (15.3% x 1/2 = 7.65%). The deduction can be computed by multiplying the net earnings from self-employment (determined without regard to Section 1402(a)(12) of the Code) by 92.35%. This gives the same deduction as multiplying the net earnings from self-employment (determined without regard to Section 1402(a)(12) of the Code) by 7.65% and then subtracting the result.

For example, the Social Security taxes imposed on monthly net earnings from self-employment (determined without regard to Section 1402(a)(12) of the Code) of \$2,500.00 are calculated as follows:

(i) Old-Age, Survivors and Disability Insurance Taxes:

$$\$2,500.00 \times 92.35\% \times 12.4\% = \$286.29$$

(ii) Hospital (Medicare) Insurance Taxes:

$$\$2,500.00 \times 92.35\% \times 2.9\% = \$66.95$$

\*\*\* These amounts represent one-twelfth (1/12) of the annual Federal income tax calculated for a single taxpayer claiming one personal exemption (\$3,400.00, subject to reduction in certain cases, as described below in this footnote) and taking the standard deduction (\$5,350.00).

In calculating the annual Federal income tax, gross income is reduced by the deduction under Section 164(f) of the Code. The deduction under Section 164(f) of the Code is equal to one-half (1/2) of the self-employment taxes imposed by Section 1401 of the Code for the taxable year. For example, monthly net earnings from self-employment of \$15,000.00 times 12 months equals \$180,000.00. The Old-Age, Survivors and Disability Insurance taxes imposed by Section 1401 of the Code for the taxable year equal \$11,680.80 (\$97,500.00 x 12.4% = \$12,090.00). The Hospital (Medicare) Insurance taxes imposed by Section 1401 of the Code for the taxable year equal \$4,820.67 (\$180,000.00 x .9235 x 2.9% = \$4,820.67). The sum of the taxes imposed by Section 1401 of the Code for the taxable year equals \$16,910.67 (\$12,090.00 + \$4,820.67 = \$16,910.67). The deduction under Section 164(f) of the Code is equal to one-half (1/2) of \$16,910.67 or \$8,455.34.

For a single taxpayer with an adjusted gross income in excess of \$156,400.00, the deduction for the personal exemption is reduced by two-thirds (2/3) of two percent (2%) for each \$2,500.00 or fraction thereof by which adjusted gross income exceeds \$156,400.00. The deduction for the personal exemption is no longer reduced for adjusted

gross income in excess of \$278,900. For example, monthly net earnings from self-employment of \$15,000.00 times 12 months equals \$180,000.00. The \$180,000.00 amount is reduced by \$8,455.34 (i.e., the deduction under Section 164(f) of the Code -- see the immediately preceding paragraph of this footnote for the computation) to arrive at adjusted gross income of \$171,544.67. The excess over \$156,400.00 is \$15,144.67. \$15,144.67 divided by \$2,500.00 equals 6.06. The 6.06 amount is rounded up to 7. The reduction percentage is 9.33% ( $2/3 \times 2\% \times 7 = 12\%$ ). The \$3,400.00 deduction for one personal exemption is reduced by \$317.33 ( $\$3,400.00 \times 9.33\% = \$317.33$ ) to \$3,082.67 ( $\$3,400.00 - \$317.33 = \$3,082.67$ ). For adjusted gross income in excess of \$278,900.00 the deduction for the personal exemption is \$1,133.00.

\*\*\*\* For annual net earnings from self-employment (determined with regard to Section 1402(a)(12) of the Code) above \$97,500.00, this amount represents a monthly average of the Old-Age, Survivors and Disability Insurance tax based on the 2007 maximum Old-Age, Survivors and Disability Insurance tax of \$12,090.00 per person (12.4% of the first \$97,500.00 of net earnings from self-employment (determined with regard to Section 1402(a)(12) of the Code) equals \$12,090.00). One-twelfth (1/12) of \$12,090.00 equals \$1,007.50.

\*\*\*\*\* This amount represents the point where the monthly net earnings from self-employment of a self-employed individual would result in \$6,000.00 of net resources.

\* \* \* \* \*

**References Relating to Self-Employed Persons 2007 Tax Chart:**

1. Old-Age, Survivors and Disability Insurance Tax

(a) Contribution Base

- (1) Social Security Administration's notice dated October 19, 2006, and appearing in 71 Fed. Reg. 62,636 (October 26, 2006)
- (2) Section 1402(b) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §1402(b))
- (3) Section 230 of the Social Security Act, as amended (42 U.S.C. §430)

(b) Tax Rate

- (1) Section 1401(a) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §1401(a))

(c) Deduction Under Section 1402(a)(12)

- (1) Section 1402(a)(12) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §1402(a)(12))

2. Hospital (Medicare) Insurance Tax

(a) Contribution Base

- (1) Section 1402(b) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §1402(b))
- (2) Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, §13207, 107 Stat. 312, 467-69 (1993)

(b) Tax Rate

- (1) Section 1401(b) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §1401(b))

(c) Deduction Under Section 1402(a)(12)

- (1) Section 1402(a)(12) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §1402(a)(12))

3. Federal Income Tax

(a) Tax Rate Schedule for 2007 for Single Taxpayers

- (1) Revenue Procedure 2006-53, Section 3.01, Table 3 which appears in Internal Revenue Bulletin 2006-48, dated November 27, 2006
- (2) Section 1(c), (f) and (i) of the Internal Revenue Code of 1986, as (26 U.S.C. §1(c), 1(f), 1(i))

(b) Standard Deduction

- (1) Revenue Procedure 2006-53, Section 3.11(1), which appears in Internal Revenue Bulletin 2006-48, dated November 27, 2006
- (2) Section 63(c) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §63(c))

(c) Personal Exemption

- (1) Revenue Procedure 2006-53, Section 3.18, which appears in Internal Revenue Bulletin 2006-48, dated November 27, 2006
- (2) Section 151(d) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §151(d))

(d) Deduction Under Section 164(f)

- (1) Section 164(f) of the Internal Revenue Code of 1986, as amended (26 U.S.C. §164(f))

TRD-200700337  
Stacey Napier  
Deputy Attorney General  
Office of the Attorney General  
Filed: February 6, 2007



### Texas Health and Safety Code and Texas Water Code Settlement Notice

Notice is hereby given by the State of Texas of the following proposed resolution of an environmental enforcement lawsuit under the Texas Health and Safety Code and Texas Water Code. Before the State may settle a judicial enforcement action under the Water Code, the State shall permit the public to comment in writing on the proposed judgment. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreed judgment if the comments disclose facts or considerations that indicate that the consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Code.

Case Title and Court: State of Texas v. Emery B. Miller and Emchem Corporation, Cause No. 96 H 1135; in the 412th Judicial District Court, Brazoria County, Texas.

Nature of Defendant's Operations: Defendants' operations consisted of (1) processing by distillation used chemical solvents in such a way as to render them reusable and (2) distilling polyethylene glycols. The business operated in a metal building in Brazoria County, Texas, outside the City of Pearland. Defendants began operations in the early 1970's. The State alleges that since that time, chemicals have been stored, repeatedly spilled and disposed of directly on the ground, endangering surface water, ground water, as well as flora, fauna, and human life in the local area. The State hired a contractor to remove contaminated soils and chemical wastes. Recovery of the costs of this cleanup, as well as subsequent testing was added to the lawsuit. The parties have reached an agreed judgment that partially reimburses the State's expenses for the cleanup, as well as orders the Defendants to conduct further site environmental assessment under the Texas Risk Reduction Rules. The Defendants are also required to make a showing that certain materials are not hazardous wastes or otherwise to promptly dispose of them as required by law.

Proposed Agreed Judgment: The Agreed Final Judgment awards the State \$50,000 in reimbursement for its cleanup costs, awards an additional \$100,000 in attorney's fees, and provides a permanent injunction which orders Defendants to perform site assessment and hazardous waste management as described above.

For a complete description of the proposed settlement, the complete proposed Agreed Final Judgment should be reviewed. Requests for copies of the judgment, and written comments on the proposed settlement, should be directed to Anthony W. Benedict, Assistant Attorney General, Office of the Texas Attorney General, P. O. Box 12548, Austin, Texas 78711-2548, (512) 463-2012, facsimile (512) 320-0911. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-200700336  
Stacey Napier  
Deputy Attorney General  
Office of the Attorney General  
Filed: February 6, 2007



### Automobile Theft Prevention Authority

### Request for Applications Under the Automobile Theft Prevention Authority Fund

#### Notice of Invitation for Applications:

The Automobile Theft Prevention Authority is soliciting applications for grants to be awarded for projects under the Automobile Theft Prevention Authority (ATPA) Fund. This grant cycle will be one year in duration, and will begin on September 1, 2007. One or more of the following types of projects may be awarded, depending on the availability of funds:

**Law Enforcement/Detection/Apprehension Projects**, to establish motor vehicle theft enforcement teams and other detection/apprehension programs. Priority funding may be provided to state, county, precinct commissioner, general or home rule cities for enforcement programs in particular areas of the state where the problem is assessed as significant. Enforcement efforts covering multiple jurisdictional boundaries may receive priority for funding.

**Prosecution/Adjudication/Conviction Projects**, to provide for prosecutorial and judicial programs designed to assist with the prosecution of persons charged with motor vehicle theft offenses.

**Prevention, Anti-Theft Devices and Automobile Registration Projects**, to test experimental equipment which is considered to be designed for auto theft deterrence and registration of vehicles in the Texas Help End Auto Theft (H.E.A.T.) Program.

**Reduction of the Sale of Stolen Vehicles or Parts Projects**, to provide vehicle identification number labeling, including component part labeling and etching methods designed to deter the sale of stolen vehicles or parts.

**Public Awareness and Crime Prevention/Education/Information Projects**, to provide education and specialized training to law enforcement officers in auto theft prevention procedures, provide information linkages between state law enforcement agencies on auto theft crimes, and develop a public information and education program on theft prevention measures.

#### Eligible Applicants:

State agencies, local general-purpose units of government, independent school districts, nonprofit, and for profit organizations are eligible to apply for grants for automobile theft prevention assistance projects. Nonprofit and profit organizations shall be required to provide with their grant applications sufficient documentation to evaluate the credibility and the community support of the organization and the viability of the organization's existing activities in the context of providing automobile theft prevention assistance.

#### Contact Person:

Detailed specifications, including selection process and schedule for workshops for applicants will be made available through ATPA. Copies of the Administrative Guide and the application can be found at [www.txwatchyourcar.com](http://www.txwatchyourcar.com). Contact Susan Sampson, Director,

Texas Automobile Theft Prevention Authority, (512) 374-5101.

#### Application Workshops:

A **mandatory** workshop for all applicants that wish to apply for the Texas Automobile Theft Prevention Grant funds with at least one (1) representative has been selected to be held:

**February 21 - 22, 2007, Wednesday - Thursday, Austin, Texas, 8:00 a.m. - 5:00 p.m., Texas Department of Transportation, 200 East Riverside Drive, Room 1A.1, Austin, Texas, 78704, (512) 374-5101.**

Holiday Inn Austin Town Lake, 20 North IH35, Austin, Texas 78701, (512) 472-8211 will be the guest hotel. Attendees are responsible for making individual hotel reservations. Registration for the workshops must be done on the ATPA Website at [www.txwatchyourcar.com](http://www.txwatchyourcar.com).

**Application Deadline and Submission Requirements:**

The Authority must receive applications by 5 p.m., Friday, May 4, 2007 or postmarked by May 4, 2007. Each Application must:

1. Include all signed certifications and signature pages.
2. Application must be mailed or delivered to:  
Texas Automobile Theft Prevention Authority,  
4000 Jackson Avenue  
Austin, Texas 78731
3. Submit one (1) original and four (4) copies of the proposal.
4. Facsimile transmissions will not be accepted.

If mailed, applications must be marked "Personal and Confidential" and addressed to the contact person listed above. If delivered, please leave application with the contact person (or designee) at the address listed.

**Selection Process:**

Applications will be selected according to rules §57.2, §57.4, §57.7, and §57.14, as published in Title 43 Chapter 57, Texas Administrative Code.

Grant award decisions by ATPA are final and not subject to judicial review.

Grants will be awarded on or before September 1, 2007.

TRD-200700282  
Susan Sampson  
Director  
Automobile Theft Prevention Authority  
Filed: February 1, 2007

**Bexar Metropolitan Water District**

Public Notice of Voting Rights Act Submission to the U.S.  
Department of Justice

Take Notice that the Bexar Metropolitan Water District submitted an application to the Department of Justice for pre-clearance, pursuant to the Voting Rights Act of 1965, as amended, of the Adoption of a Redistricting Plan Bexar Metropolitan Water District, Board of Directors of the Bexar Metropolitan Water District approved the plan on October 24, 2006.

Pursuant to the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973, and 28 C.F.R. Part 51, Bexar Metropolitan Water District filed a Voting Rights Submission with the Department of Justice for pre-clearance of the above referenced Redistricting Plan dated February 1, 2007.

A complete copy of the Voting Rights Act Submission is available for inspection, review and copying in the office of the General Manager of the District, located in the administrative offices 2047 W. Malone, San Antonio, Texas 78225. Such complete duplicate copy is available to the public during office hours from 8:00 a.m. until 5:00 p.m., Monday through Friday.

The general public is invited to make comments to the Attorney General of the United States regarding such Voting Rights Act Submission and the posting of this notice. Any interested person is invited to make any such comment in writing addressed to:

Chief, Voting Section  
Civil Rights Division  
Room 7254 - NWB  
Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530  
Posted this the 2nd day of February 2007.  
F. Gilbert Olivares, General Manager  
Bexar Metropolitan Water District  
2047 W. Malone  
San Antonio, Texas 78225  
TRD-200700314  
Adolfo Ruiz  
General Counsel  
Bexar Metropolitan Water District  
Filed: February 5, 2007

**Comptroller of Public Accounts**

Certification of the Average Taxable Price of Gas and Oil

The Comptroller of Public Accounts, administering agency for the collection of the Crude Oil Production Tax, has determined that the average taxable price of crude oil for reporting period December 2006, as required by Tax Code, §202.058, is \$55.01 per barrel for the three-month period beginning on September 1, 2006, and ending November 30, 2006. Therefore, pursuant to Tax Code, §202.058, crude oil produced during the month of December 2006, from a qualified Low-Producing Oil Lease, is not eligible for exemption from the crude oil production tax imposed by Tax Code, Chapter 202.

The Comptroller of Public Accounts, administering agency for the collection of the Natural Gas Production Tax, has determined that the average taxable price of gas for reporting period December 2006, as required by Tax Code, §201.059, is \$6.25 per mcf for the three-month period beginning on September 1, 2006, and ending November 30, 2006. Therefore, pursuant to Tax Code, §201.059, gas produced during the month of December 2006, from a qualified Low-Producing Well, is not eligible for exemption from the natural gas production tax imposed by Tax Code, Chapter 201.

Inquiries should be directed to Bryant K. Lomax, Manager, Tax Policy Division, P.O. Box 13528, Austin, Texas 78711-3528.

TRD-200700289  
Martin Cherry  
General Counsel  
Comptroller of Public Accounts  
Filed: February 2, 2007

**Notice of Contract Amendment**

The Comptroller of Public Accounts, on behalf of the Texas Treasury Safekeeping Trust Company (Trust Company) announces this notice of amendment and renewal of a contract with Asset Consulting Group, Inc., 7700 Bonhomme Avenue, Suite 650, St. Louis, Missouri 63105 for financial and investment consulting and related services for the Trust Company. The request for proposals (RFP No. 167a) was published in the October 17, 2003, issue of the *Texas Register* (28 TexReg

9098). The notice of award was published in the July 30, 2004, issue of the *Texas Register* (29 TexReg 7517).

The amendment extends the term of the contract to January 31, 2008, with one (1) additional one-year renewal option remaining. The total amount of the contract is not-to-exceed \$1,292,500.00.

TRD-200700294  
Pamela Smith  
Deputy General Counsel for Contracts  
Comptroller of Public Accounts  
Filed: February 2, 2007



#### Notice of Contract Amendment

The Comptroller of Public Accounts (Comptroller), on behalf of the Texas Treasury Safekeeping Trust Company (Trust Company), announces this notice of amendment and renewal of a contract with Andrews Kurth LLP, 111 Congress Avenue, Suite 1700, Austin, Texas 78701, for outside counsel services to the Trust Company.

The original notice of request for letter proposals (RFP No. 175c) was published in the November 25, 2005, issue of the *Texas Register* (30 TexReg 7919). The notice of award was published in the March 24, 2006, issue of the *Texas Register* (31 TexReg 2730).

The amendment extends the term of the contract through January 31, 2008, with two (2) one-year options to renew remaining. The maximum amount of the contract is not-to-exceed \$300,000.00.

TRD-200700295  
Pamela Smith  
Deputy General Counsel for Contracts  
Comptroller of Public Accounts  
Filed: February 2, 2007



#### Notice of Request for Proposals

Pursuant to Chapters 403, 2155, and 2156 of the Texas Government Code, the Comptroller of Public Accounts (Comptroller) announces the issuance of its Request for Proposals (RFP) from qualified firms to provide the Comptroller with an Organizational Change Management Specialist and Related Services as described in the RFP. The successful respondent will be expected to begin performance of the contract on or about March 12, 2007.

Contact: Parties interested in submitting a proposal should contact Carrie S. Kenward, Assistant General Counsel, Contracts, Comptroller of Public Accounts, 111 E. 17th St., ROOM G-24, Austin, Texas 78774, telephone number: (512) 305-8673, to obtain a copy of the RFP. The Comptroller will mail copies of the RFP only to those specifically requesting a copy. The RFP will be available for pick-up at the above-referenced address on Friday, February 16, 2007, after 10:00 a.m., Central Zone Time (CZT), and during normal business hours thereafter. The Comptroller will also make the RFP available electronically on the Electronic State Business Daily after 10:00 a.m. (CZT), on Friday, February 16, 2007.

Questions: All written inquiries and questions must be received at the above-referenced address not later than 2:00 p.m. (CZT) on Thursday, February 22, 2007. Prospective proposers are encouraged to fax or e-mail Questions to (512) 475-0973 or e-mail to [contracts@cpa.state.tx.us](mailto:contracts@cpa.state.tx.us) to ensure timely receipt. All responses to questions will be posted electronically on Friday, February 23, 2007, or as soon thereafter as practical, on the Electronic State Business Daily at: <http://esbd.tbpc.state.tx.us/>. Questions received after the deadline

will not be considered. Respondents shall be solely responsible for confirming the timely receipt of Questions in the Issuing Office.

Closing Date: Proposals must be received in Deputy General Counsel for Contracts' Office at the location specified above (ROOM G-24) no later than 2:00 p.m. (CZT), on Monday, March 5, 2007. Proposals received in ROOM G24 after this time and date will not be considered. Respondents shall be solely responsible for verifying timely receipt of proposals and all required copies in the Issuing Office by the deadline.

Evaluation and Award Procedure: All proposals will be subject to evaluation by a committee based on the evaluation criteria and procedures set forth in the RFP.

The Comptroller reserves the right to accept or reject any or all proposals submitted. The Comptroller of Public Accounts is under no legal or other obligation to execute a contract on the basis of this notice or the distribution of any RFP. The Comptroller shall pay for no costs incurred by any entity in responding to this Notice or the RFP.

The anticipated schedule of events is as follows: Issuance of RFP - February 16, 2007, 10:00 a.m. CZT; Written Questions Due - February 22, 2007, 2:00 p.m. CZT; Proposals Due - March 5, 2007, 2:00 p.m. CZT; Contract Execution - March 12, 2007, or as soon thereafter as practical. The Comptroller reserves the right, in its sole discretion, to modify this schedule of events. Notice of changes will be posted on the Electronic State Business Daily at: <http://esbd.tbpc.state.tx.us/>.

TRD-200700346  
Pamela Smith  
Deputy General Counsel for Contracts  
Comptroller of Public Accounts  
Filed: February 7, 2007



### 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 02/12/07 - 02/18/07 is 18% for Consumer<sup>1</sup>/Agricultural/Commercial<sup>2</sup>/credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 02/12/07 - 02/18/07 is 18% for Commercial over \$250,000.

<sup>1</sup>Credit for personal, family or household use.

<sup>2</sup>Credit for business, commercial, investment or other similar purpose.

TRD-200700315  
Leslie L. Pettijohn  
Commissioner  
Office of Consumer Credit Commissioner  
Filed: February 6, 2007



### Texas Education Agency

Notice of Correction: Request for Applications Concerning the State Engineering and Science Recruitment (SENSR) Fund, 2007-2008

The Texas Education Agency (TEA) published Request for Application (RFA) #701-07-104 concerning the State Engineering and Science Re-

cruitment (SENSR) Fund, 2007-2008, grants in the January 12, 2007, issue of the *Texas Register* (32 TexReg 200).

The TEA is amending the Deadline for Receipt of Applications paragraph in the *Texas Register* notice to read, "Applications must be received in the Document Control Center of the TEA by 5:00 p.m. (Central Time), Thursday, March 22, 2007, to be considered for funding." This correction reflects a change from the original deadline date of Tuesday, February 27, 2007.

Further Information. For clarifying information about the RFA, contact Kathy Mihalik, Division of Discretionary Grants, TEA, (512) 463-9269.

TRD-200700360

Cristina De La Fuente-Valadez  
Director, Policy Coordination Division  
Texas Education Agency  
Filed: February 7, 2007



### Request for Applications Concerning the Texas Science, Technology, Engineering and Math (T-STEM) Academies - Startup Cycle 2 Grants

Eligible Applicants. The Texas Education Agency (TEA) is requesting applications under Request for Applications (RFA) #701-07-103 from eligible school districts and open-enrollment charter schools. An eligible school district or open-enrollment charter school shall: (1) serve a student population of between 50 percent and 60 percent economically disadvantaged students and have received a rating of *Exemplary* or *Recognized* under the 2006 state accountability rating system; or (2) serve a student population of greater than 60 percent economically disadvantaged students and have received a rating of *Exemplary*, *Recognized*, or *Academically Acceptable* under the 2006 state accountability rating system. An eligible school district or open-enrollment charter school shall also demonstrate how it will meet all of the requirements in RFA #701-07-103 for opening a Texas Science, Technology, Engineering, and Math (T-STEM) Academy no later than the fall of 2008. A T-STEM Academy shall: (1) be an autonomous school, with a unique AskTED Campus ID (county-district-campus number), located on a stand-alone facility or sharing a facility with an existing school; (2) serve Grades 6-12 or Grades 9-12 with an active relationship with the feeder middle school(s); (3) be small, serving approximately 100 students per grade; (4) be open enrollment, hosting lotteries for admission; (5) serve a student population of greater than 50 percent economically disadvantaged students; (6) not share a facility with a campus that received a rating of *Academically Unacceptable* under the state accountability rating system in 2006 or that receives a rating of *Academically Unacceptable* in 2007; and (7) follow all requirements and indicators outlined in RFA #701-07-103 and in the T-STEM Academy Design Blueprint. Campuses receiving funding from Texas Education Agency (TEA), the Communities Foundation of Texas (CFT), or the Bill & Melinda Gates Foundation (BMGF) under any of the following grant programs are not eligible to receive funds under this grant program: a TEA Texas High School Redesign and Restructuring Grant, Cycle 2 or Cycle 3; a TEA or CFT Early College High School Grant; a TEA or CFT T-STEM Academy Grant; a CFT Redesigned High School Grant; a CFT New Schools Grant; or a BMGF Redesign Grant.

Description. The purpose of this program is to support the development of T-STEM Academy design plans to increase student achievement by engaging students in and exposing students to innovative science and mathematics instruction while simultaneously acting as demonstration sites to inform mathematics and science teaching and learning statewide. To that end, every academy will provide a rigorous,

well-rounded education with outstanding science and mathematics instruction, integrating technology across the curriculum. The goals of this program for the T-STEM Academies are: (1) to develop the nation's leading innovation economy workforce by aligning high school courses, postsecondary education, and economic development activities; (2) to establish T-STEM Academies in high-need areas across the state that will produce Texas high school graduates from diverse backgrounds with the preparation to pursue careers in science, technology, engineering, and mathematics related fields; and (3) to establish a statewide best-practices network for science, technology, engineering, and mathematics education to promote broad dissemination and adoption of promising practices from the initiative and improve mathematics and science performance for students across Texas.

Dates of Project. The T-STEM Academies - Startup Cycle 2 Grants will be implemented during the 2007-2008 and 2008-2009 school years. Applicants should plan for a starting date of no earlier than August 1, 2007, and an ending date of no later than May 31, 2009. Schools districts or open-enrollment charter schools selected will be required to open a T-STEM Academy no later than August 2008.

Project Amount. A total of approximately \$3 million is available for funding the T-STEM Academies - Startup Cycle 2 Grants. Each project will receive a maximum of \$420,000 for a campus serving Grades 9-12 or \$735,000 for a campus serving Grades 6-12 for the project period. The funding will be available in two phases. For the Planning Phase, each project may receive a maximum award amount of \$120,000. Upon approval of the project's Academy Design Proposal, an additional amount not to exceed \$300,000 for a campus serving Grades 9-12 or \$615,000 for a campus serving Grades 6-12 will be made available for the Implementation Phase. This project is funded 100 percent from general revenue funds appropriated by Rider 59, General Appropriations Act, 2005.

Selection Criteria. Applications will be selected based on the independent reviewers' assessment of each applicant's ability to carry out all requirements contained in the RFA. Reviewers will evaluate applications based on the overall quality and validity of the proposed grant programs and the extent to which the applications address the primary objectives and intent of the project. Applications must address each requirement as specified in the RFA to be considered for funding. The TEA reserves the right to select from the highest-ranking applications those that address all requirements in the RFA and that are most advantageous to the project.

The TEA is not obligated to approve an application, provide funds, or endorse any application submitted in response to this RFA. This RFA does not commit TEA to pay any costs before an application is approved. The issuance of this RFA does not obligate TEA to award a grant or pay any costs incurred in preparing a response.

Requesting the Application. A complete copy of RFA #701-07-103 may be obtained by writing the Document Control Center, Room 6-108, Texas Education Agency, William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701; by calling (512) 463-9304; by faxing (512) 463-9811; or by e-mailing dcc@tea.state.tx.us. Please refer to the RFA number and title in your request. Provide your name, complete mailing address, and phone number, including area code. The announcement letter and complete RFA will also be posted on the TEA website at <http://burleson.tea.state.tx.us/GrantOpportunities/forms/> for viewing and downloading.

Further Information. For clarifying information about the RFA, contact Karen Harmon, Division of Discretionary Grants, TEA, (512) 463-9269. In order to assure that no prospective applicant may obtain a competitive advantage because of acquisition of information

unknown to other prospective applicants, any information that is different from or in addition to information provided in the RFA will be provided only in response to written inquiries. Copies of all such inquiries and the written answers thereto will be posted on the TEA website in the format of Frequently Asked Questions (FAQs) at <http://burlleson.tea.state.tx.us/GrantOpportunities/forms/>.

**Deadline for Receipt of Applications.** Applications must be received in the Document Control Center of the TEA by 5:00 p.m. (Central Time), Tuesday, May 15, 2007, to be considered for funding.

TRD-200700361

Cristina De La Fuente-Valadez  
Director, Policy Coordination  
Texas Education Agency  
Filed: February 7, 2007



### Request for Early Reading Diagnostic Instruments

**Description.** The Texas Education Agency (TEA) is notifying publishers of a second opportunity to submit early reading diagnostic instruments for Kindergarten, Grade 1, and Grade 2. The original notice was published in the *Texas Register* on December 15, 2006 (31 TexReg 10137). Texas Education Code (TEC), §28.006, authorizes the commissioner of education to develop recommendations for school districts to administer early reading instruments to diagnose student reading skill and comprehension development.

Under TEC, §28.006(b), the commissioner of education shall adopt a list of early reading instruments that school districts may use to diagnose reading skill and comprehension development. Reading instruments placed on the list must be based on scientific research, evaluate individual student reading progress, and be used to identify students at risk for dyslexia or other reading difficulties. The list of reading instruments adopted under TEC, §28.006(b), must also provide for diagnosing the reading development and comprehension of students participating in a program under TEC, Chapter 29, Subchapter B (relating to Bilingual Education and Special Language Programs).

**Program Requirements.** Since the 1998-1999 school year, school districts have been required to administer early reading instruments. Results from the early reading instruments are used to inform instruction and place students at risk for reading difficulties, including dyslexia, in Accelerated Reading Instruction intervention programs. Results from these early reading instruments must be reported to the commissioner of education, the local school board, and the parent and/or guardian of students tested. The list of early reading instruments will be made available so that school districts and open-enrollment charter schools may order instruments for the 2007-2008 school year.

Instruments selected for the commissioner's list will remain on the list for four years unless the approved test is no longer available from the publisher or the publisher submits an updated version of the instrument prior to the end of the four-year approval cycle. Early reading instruments that were selected for the 2006-2007 *Commissioner's List of Early Reading Instruments* do not need to be resubmitted this year, but they must be resubmitted for the 2008-2009 approval cycle.

Due to continued budgetary limitations, a \$5 per student per year cost cap remains on each complete Test Option on the 2007-2008 *Commissioner's List of Early Reading Instruments*. For example, if Option G requires two instruments in order to assess all required domains at a grade level, then the combination of those two instruments will be state funded at no more than \$5 per student. For the 2007-2008 school year, school districts and open-enrollment charter schools will purchase early reading instruments directly from the publisher/vendor unless the

test is published by the TEA. If the cost of the Test Option exceeds the \$5 per student limit established, the state will reimburse the school district or open-enrollment charter school at the limit established. The school district or open-enrollment charter school is responsible for the remainder of the cost of the Test Option.

**Selection Criteria.** Publishers will be responsible for submitting tests that they wish to have considered for inclusion on the 2007-2008 *Commissioner's List of Early Reading Instruments*. All tests submitted for review must be based on scientific research and must be submitted with evidence of reliability and validity for assessing key reading domains and for identifying children at risk of reading failure, including the identification of children with dyslexia. Submitted evidence must demonstrate that the test meets the state criteria for reliability and validity. Instruments will be evaluated in terms of validity, reliability, cost-effectiveness, and ease of administration/implementation by the classroom teacher. Consideration will also be given to the number of domains covered by the test and the number of additional tests that would need to be purchased by schools in order to cover all required domains. Reading instruments (English and Spanish) submitted for review must address at least one of the following five domains: (1) phonological awareness; (2) graphophonemic knowledge; (3) word reading; (4) oral reading accuracy; and (5) comprehension of text, as appropriate for Kindergarten, Grade 1, and Grade 2. Tests submitted for use by Reading First schools may also assess vocabulary and fluency. As in previous years, it may be necessary to use a combination of instruments to form a Test Option to assess all required domains. The criteria used to select instruments for the 2007-2008 school year is available through the Division of Curriculum at the Texas Education Agency, (512) 463-9581.

Proposals must be submitted to Dr. David Francis; Texas Institute for Measurement, Evaluation, and Statistics; 100 TLCC Annex; Houston, Texas 77204-6022 by 5:00 p.m. (Central Time), Friday, March 2, 2007, to be considered for inclusion on the 2007-2008 *Commissioner's List of Early Reading Instruments*. A detailed list of the contents of each box submitted must be included on or attached to the packing slip.

TRD-200700358

Cristina De La Fuente-Valadez  
Director, Policy Coordination  
Texas Education Agency  
Filed: February 7, 2007



### Request for Grade 3 Early Reading Diagnostic Instruments

**Description.** The Texas Education Agency (TEA) is notifying publishers of a second opportunity to submit early reading diagnostic instruments for the 2007-2008 *List of Grade 3 Early Reading Instruments*. The original notice was published in the *Texas Register* on December 15, 2006 (31 TexReg 10138). P.L. 107-110, Title I, Part B, Subpart 1 of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, CFDA #84.357, authorizes the commissioner of education to develop recommendations for school districts to administer early reading instruments to diagnose student reading skill and comprehension development.

Under P.L. 107-110, Title I, Part B, Subpart 1 of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, CFDA #84.357, the TEA shall adopt a list of Grade 3 early reading instruments that school districts and open-enrollment charter schools may use to diagnose reading skill and comprehension development. Reading instruments placed on the list must be based on scientific research, evaluate individual student reading progress, and be used to identify students at risk for dyslexia or other reading difficul-



ties. The list of reading instruments must also provide for diagnosing the reading development and comprehension of students participating in a program under Texas Education Code, Chapter 29, Subchapter B (relating to Bilingual Education and Special Language Programs).

**Program Requirements.** Since May 2003, school districts and open-enrollment charter schools participating in Reading First have been required to administer Grade 3 early reading instruments. Results from the early reading instruments are used to inform instruction and place students at risk for reading difficulties, including dyslexia, in Accelerated Reading Instruction intervention programs. The list of early reading instruments will be made available so that school districts and open-enrollment charter schools may order instruments for the 2007-2008 school year.

Instruments selected for the 2007-2008 *List of Grade 3 Early Reading Instruments* will remain on the list for four years unless the approved test is no longer available from the publisher or the publisher submits an updated version of the instrument. Those publishers who were selected for the 2005-2006 *List of Grade 3 Early Reading Instruments* were informed that the list would remain in effect only through the 2005-2006 and 2006-2007 school years.

**Selection Criteria.** Publishers will be responsible for submitting tests that they wish to have considered for inclusion on the 2007-2008 *List of Grade 3 Early Reading Instruments*. All tests submitted for review must be based on scientific research and must meet the state criteria for reliability and validity.

Instruments will be evaluated in terms of validity, reliability, cost-effectiveness, and ease of administration/implementation by the classroom teacher. Reading instruments (English and Spanish) submitted for review must address at least one of the following four domains: (1) phonological awareness; (2) graphophonemic knowledge; (3) word reading; and (4) oral reading accuracy and comprehension of text, as appropriate for Grade 3.

Proposals must be submitted to Dr. David Francis; Texas Institute for Measurement, Evaluation, and Statistics; 100 TLCC Annex; Houston, Texas 77204-6022 by 5:00 p.m. (Central Time), Friday, March 2, 2007, to be considered for inclusion on the 2007-2008 *List of Grade 3 Early Reading Instruments*. A detailed list of the contents of each box submitted must be included on or attached to the packing slip.

TRD-200700359

Cristina De La Fuente-Valadez  
Director, Policy Coordination Division  
Texas Education Agency  
Filed: February 7, 2007



### Request for Reading Assessments for Progress Monitoring in Kindergarten, Grade 1, Grade 2, and Grade 3 for 2007-2008

**Description.** The Texas Education Agency (TEA) is notifying publishers of a second opportunity to submit reading progress monitoring assessments for review for the 2007-2008 *List of Recommended Reading Assessments for Progress Monitoring in Kindergarten, Grade 1, Grade 2, and Grade 3*. The original notice was published in the *Texas Register* on December 15, 2006 (31 TexReg 10138).

P.L. 107-110, Title I, Part B, Subpart 1 of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001, CFDA #84.357, authorizes the TEA to develop a list of recommended assessments to measure growth and development of reading skills of students who are at risk of reading difficulties, including dyslexia, through immediate direct systematic instructional interven-

tion to strengthen reading skills and comprehension throughout the school year.

The reading progress monitoring instruments that will be placed on the list must be based on scientific research, evaluate individual student reading progress, and be used to identify students at risk for dyslexia or other reading difficulties. The recommended list of reading progress monitoring assessments must also provide evaluation of the reading skill and comprehension development of students participating in programs under Texas Education Code, Chapter 29, Subchapter B (relating to Bilingual Education and Special Language Programs).

**Program Requirements.** Instruments selected for the 2007-2008 *List of Recommended Reading Assessments for Progress Monitoring in Kindergarten, Grade 1, Grade 2, and Grade 3* will remain on the list for four years unless the publisher submits an updated version of the instrument prior to the end of the four-year cycle.

Publishers of progress monitoring instruments that were selected for the 2005-2006 *List of Recommended Reading Assessments for Progress Monitoring in Kindergarten, Grade 1, Grade 2, and Grade 3* will expire at the end of their two-year cycle and must be resubmitted to be considered for inclusion on the 2007-2008 list. Progress monitoring instruments that were selected for the 2006-2007 *List of Recommended Reading Assessments for Progress Monitoring in Kindergarten, Grade 1, Grade 2, and Grade 3* do not need to be resubmitted for approval for the 2007-2008 or 2008-2009 lists.

**Selection Criteria.** Publishers will be responsible for submitting tests that they wish to have considered for inclusion on the 2007-2008 *List of Recommended Reading Assessments for Progress Monitoring in Kindergarten, Grade 1, Grade 2, and Grade 3*. All tests submitted for review must be based on scientific research and must meet the state criteria for reliability and validity. Assessments will be evaluated in terms of validity, reliability, cost-effectiveness, and ease of administration/implementation by the classroom teacher. Reading instruments (English and Spanish) submitted for review must address all of the following core components of early reading instruction: (1) phonological/phonemic awareness; (2) phonics/word recognition; (3) fluency; (4) text comprehension; and (5) vocabulary, as appropriate for Kindergarten, Grade 1, Grade 2 and Grade 3.

Proposals must be submitted to Dr. David Francis; Texas Institute for Measurement, Evaluation, and Statistics; University of Houston; 100 TLCC Annex; Houston, Texas 77204-6022 by 5:00 p.m. (Central Time), Friday, March 2, 2007, to be considered for inclusion on the 2007-2008 *List of Recommended Reading Assessments for Progress Monitoring in Kindergarten, Grade 1, Grade 2, and Grade 3*. A detailed list of the contents of each box submitted must be included on or attached to the packing slip.

TRD-200700357

Cristina De La Fuente-Valadez  
Director, Policy Coordination  
Texas Education Agency  
Filed: February 7, 2007



## Texas Commission on Environmental Quality

### Agreed Orders

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (the Code), §7.075. Section 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. Section

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 **March 19, 2007**. Section 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) 239-1864 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 March 19, 2007**. 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, §7.075 provides that comments on the AOs shall be submitted to the commission in **writing**.

(1) COMPANY: Airline Conoco, Inc.; DOCKET NUMBER: 2006-1768-PST-E; IDENTIFIER: RN101740918; LOCATION: Houston, Harris County, Texas; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 Texas Administrative Code (TAC) §115.242(9) and Texas Health & Safety Code (THSC), §382.085(b), by failing to post operating instructions conspicuously on the front of each dispenser; 30 TAC §334.50(b)(2) and (b)(2)(A)(i)(III) and the Code, §26.3475(a), by failing to provide release detection and by failing to test the line leak detectors; and 30 TAC §115.245(2) and THSC, §382.085(b), by failing to verify proper operation of the Stage II equipment; PENALTY: \$3,900; ENFORCEMENT COORDINATOR: Jason Godeaux, (512) 239-2541; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77020-1486, (713) 767-3500.

(2) COMPANY: Aransas County Municipal Utility District No. 1; DOCKET NUMBER: 2006-1828-PWS-E; IDENTIFIER: RN101416634; LOCATION: near Lamar, Aransas County, Texas; TYPE OF FACILITY: public water system; RULE VIOLATED: 30 TAC §290.113(f)(4) and THSC, §341.0315(c), by exceeding the maximum contaminant level (MCL) for total trihalomethanes; PENALTY: \$750; ENFORCEMENT COORDINATOR: Amy Martin, (512) 239-2540; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(3) COMPANY: Arkema Inc.; DOCKET NUMBER: 2006-1911-AIR-E; IDENTIFIER: RN100210301; LOCATION: Crosby, Harris County, Texas; TYPE OF FACILITY: organic peroxide manufacturing; RULE VIOLATED: 30 TAC §111.111(a)(7)(A) and §116.115(c), Permit Number 6271, Special Condition 1, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$3,950; ENFORCEMENT COORDINATOR: Audra Ruble, (361) 825-3100; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(4) COMPANY: A. Schulman, Inc.; DOCKET NUMBER: 2006-1524-IWD-E; IDENTIFIER: RN101518553; LOCATION: West Orange, Orange County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §305.125(1), Texas Pollutant Discharge Elimination System (TPDES) Permit Number

00337, Outfall 002, Effluent Limitations and Monitoring Requirements Number 1, and the Code, §26.121(a), by failing to comply with permitted effluent limitations; PENALTY: \$14,560; Supplemental Environmental Project (SEP) offset amount of \$5,824 applied to Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") - Wastewater Treatment Assistance; ENFORCEMENT COORDINATOR: Laurie Eaves, (512) 239-4495; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(5) COMPANY: B-F Utilities, Inc.; DOCKET NUMBER: 2006-0445-PWS-E; IDENTIFIER: RN101277499; LOCATION: near Gainesville, Cooke County, Texas; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.41(c)(1)(F), by failing to provide sanitary control easements; and 30 TAC §290.45(b)(1)(C)(i) and THSC, §341.0315(a), by failing to provide a well capacity of 0.6 gallons per minute (gpm) per connection; PENALTY: \$158; ENFORCEMENT COORDINATOR: Christopher Miller, (512) 239-6580; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(6) COMPANY: Cougar Stop, Inc. dba Normandy Truck-stop; DOCKET NUMBER: 2006-1896-PST-E; IDENTIFIER: RN102777646; LOCATION: Houston, Harris County, Texas; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §115.244(1) and (3) and THSC, §382.085(b), by failing to conduct the required daily and monthly inspections of the Stage II vapor recovery system (VRS); 30 TAC §115.246(1) and (5) and THSC, §382.085(b), by failing to maintain Stage II records; 30 TAC §115.245(2) and THSC, §382.085(b), by failing to verify proper operation of the Stage II equipment; 30 TAC §115.242(9) and THSC, §382.085(b), by failing to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II VRS; 30 TAC §334.50(a)(1)(A), (b)(2), (b)(2)(A)(i)(III), and (d)(1)(B)(ii), and the Code, §26.3475(a) and (c)(1), by failing to have a release detection method capable of detecting a release, by failing to provide proper release detection, by failing to test the line leak detectors, and by failing to conduct reconciliation of detailed inventory control records; 30 TAC §334.51(b)(2)(C) and the Code, §26.3475(c)(2), by failing to equip each tank with a valve or other appropriate device designed to automatically shut off the flow of regulated substances into the tank; and 30 TAC §334.8(c)(5)(C), by failing to ensure that a legible tag, label, or marking with the underground storage tank (UST) identification number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point; PENALTY: \$23,625; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(7) COMPANY: Charles C. Crawford; DOCKET NUMBER: 2005-1735-MSW-E; IDENTIFIER: RN104623061; LOCATION: Fort Worth, Tarrant County, Texas; TYPE OF FACILITY: unauthorized tire and municipal solid waste (MSW) dump; RULE VIOLATED: 30 TAC §330.5(c), by failing to properly dispose of MSW; and 30 TAC §328.60(a) and THSC, §361.112(a), by allowing unauthorized storage of more than 500 scrap tires; PENALTY: \$5,000; ENFORCEMENT COORDINATOR: Alison Echlin, (512) 239-3308; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(8) COMPANY: Crims Chapel Water Supply Corporation; DOCKET NUMBER: 2006-1829-PWS-E; IDENTIFIER: RN101440576; LOCATION: Rusk County, Texas; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.109(c)(2)(A)(ii), (c)(2)(F), (c)(3)(A)(ii), and (f)(3), §290.122(b)(2)(A) and (c)(2)(A), and THSC, §341.031(a) and §341.033(a) and (d), by failing to perform routine

bacteriological sampling and by failing to provide public notice, by failing to collect at least five routine samples the month following a total coliform positive result, by failing to collect and submit four repeat samples following a total coliform-positive sample, and by failing to comply with the MCL for total coliform bacteria, and by failing to provide public notice; PENALTY: \$1,905; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 409-3096; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3756, (903) 535-5100.

(9) COMPANY: Crown Cork & Seal Company (USA), Inc.; DOCKET NUMBER: 2006-2018-AIR-E; IDENTIFIER: RN100711118; LOCATION: Conroe, Montgomery County, Texas; TYPE OF FACILITY: can manufacturing; RULE VIOLATED: 30 TAC §116.115(c), Air Permit Number 75271, Special Condition 3, and THSC, §382.085(b), by failing to prevent unauthorized emissions; PENALTY: \$3,650; ENFORCEMENT COORDINATOR: Daniel Siringi, (409) 898-3838; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(10) COMPANY: Raymond Huff dba Detail Masters; DOCKET NUMBER: 2006-1914-PST-E; IDENTIFIER: RN102130341; LOCATION: Tyler, Smith County, Texas; TYPE OF FACILITY: automobile detailing business with retail sales of gasoline; RULE VIOLATED: 30 TAC §37.815(a) and (b), by failing to demonstrate acceptable financial assurance; PENALTY: \$3,000; ENFORCEMENT COORDINATOR: Thomas Greimel, (512) 239-5690; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3756, (903) 535-5100.

(11) COMPANY: Eastman Chemical Company; DOCKET NUMBER: 2006-1532-AIR-E; IDENTIFIER: RN100219815; LOCATION: Longview, Harrison County, Texas; TYPE OF FACILITY: chemical manufacturing; RULE VIOLATED: 30 TAC §116.115(c) and §122.143(4), Air Permit Number 20567, Special Condition 6(E), Air Permit Number 18104, Special Condition 10, Federal Operating Permit (FOP) Number O-01978, Special Terms and Conditions Number 6(A), and THSC, §382.085(b), by failing to have each open-ended valve or line equipped with a cap, blind flange, plug, or a second valve and by failing to maintain a minimum water supply pressure of 15 pounds per square inch gauge; 30 TAC §116.110(a)(1) and §122.143(4), FOP Number O-01978, General Terms and Conditions, and THSC, §382.085(b) and §382.0518(a), by failing to obtain authorization for emissions sources and their associated fugitive emissions; and 30 TAC §§101.20(1), 116.115(c), and 122.143(4), Air Permit Number 20567, Special Condition 3, FOP Number O-01978, Special Terms and Conditions Numbers 1(A) and 6(A), 40 Code of Federal Regulations (CFR) §§60.18(c)(3)(ii), 60.112b(a)(3)(ii), and 60.562-1(a)(1)(i)(C), and THSC, §382.085(b), by failing to maintain a net heating value of 200 British thermal units per standard cubic foot or greater for the gases being combusted in a flare; PENALTY: \$32,035; Supplemental Environmental Project (SEP) offset amount of \$12,814 applied to Gregg County-Purchase of Alternative Fueled Equipment; ENFORCEMENT COORDINATOR: Bryan Elliott, (512) 239-6162; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3756, (903) 535-5100.

(12) COMPANY: E. R. Carpenter, L.P.; DOCKET NUMBER: 2006-1922-AIR-E; IDENTIFIER: RN100211242; LOCATION: Temple, Bell County, Texas; TYPE OF FACILITY: industrial facility that manufactures foam materials for furniture and carpet padding; RULE VIOLATED: 30 TAC §122.241(b) and THSC, §382.085(b), by failing to submit an application to renew FOP Number O-01341 in a timely manner and continuing to operate; PENALTY: \$2,600; ENFORCEMENT COORDINATOR: Daniel Siringi, (409) 898-3838; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(13) COMPANY: Esteem Enterprise, Inc. dba Speedy Mart 1; DOCKET NUMBER: 2006-1861-PST-E; IDENTIFIER: RN102426616; LOCATION: Houston, Harris County, Texas; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(2) and (b)(2)(A)(i)(III) and the Code, §26.3475(a), by failing to provide proper release detection and by failing to test the line leak detector; PENALTY: \$4,000; ENFORCEMENT COORDINATOR: Thomas Greimel, (512) 239-5690; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(14) COMPANY: ExxonMobil Oil Corporation; DOCKET NUMBER: 2006-1703-AIR-E; IDENTIFIER: RN100542844; LOCATION: Beaumont, Jefferson County, Texas; TYPE OF FACILITY: petrochemical plant; RULE VIOLATED: 30 TAC §116.115(b)(2)(F) and (c), Permit Number 7799, Special Condition 1, and THSC, §382.085(b), by failing to comply with the high pressure flare maximum allowable emission rates for volatile organic compounds, carbon monoxide, and nitric oxides; PENALTY: \$5,975; Supplemental Environmental Project (SEP) offset amount of \$2,390 applied to Jefferson County: Retrofit/Replacement of Heavy Equipment and Vehicles with Alternative Fueled Equipment and Vehicles; ENFORCEMENT COORDINATOR: Miriam Hall, (512) 239-1044; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(15) COMPANY: Flower Grove Cooperative Gin; DOCKET NUMBER: 2006-1588-IHW-E; IDENTIFIER: RN102448024; LOCATION: Ackerly, Martin County, Texas; TYPE OF FACILITY: cotton gin; RULE VIOLATED: 30 TAC §335.4(3), by failing to prevent the unauthorized collection, handling, storage, or disposal of industrial waste; PENALTY: \$900; ENFORCEMENT COORDINATOR: Colin Barth, (512) 239-0086; REGIONAL OFFICE: 3300 North A Street, Building 4, Suite 107, Midland, Texas 79705-5404, (915) 570-1359.

(16) COMPANY: Gregory D. Fox; DOCKET NUMBER: 2006-1991-LII-E; IDENTIFIER: RN103382958; LOCATION: Richardson and Forney, Dallas and Kaufman Counties, Texas; TYPE OF FACILITY: landscape irrigation business; RULE VIOLATED: 30 TAC §344.70, by failing to comply with reasonable inspection requirements, ordinances, or regulations designed to protect the public water supply; PENALTY: \$275; ENFORCEMENT COORDINATOR: Michael Limos, (512) 239-5839; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(17) COMPANY: Fred Garrison Oil Company dba Chuck's Grocery & Grill; DOCKET NUMBER: 2006-1790-PST-E; IDENTIFIER: RN102030681; LOCATION: Arlington, Tarrant County, Texas; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.72, by failing to report a suspected release; 30 TAC §334.74(1), by failing to immediately investigate and confirm all suspected releases of regulated substances; 30 TAC §334.49(b)(2) and the Code, §26.3475(d), by failing to electrically isolate UST system components from the corrosive elements; 30 TAC §115.246(7)(A) and THSC, §382.085(b), by failing to maintain records on site; and 30 TAC §115.222(3) and §115.242(4) and THSC, §382.085(b), by failing to prevent the release of gasoline vapors from the Stage II VRS; PENALTY: \$9,450; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(18) COMPANY: GWG Wood Group, Inc.; DOCKET NUMBER: 2006-1949-MSW-E; IDENTIFIER: RN104997101; LOCATION: Ferris, Dallas County, Texas; TYPE OF FACILITY: wood recycling; RULE VIOLATED: 30 TAC §328.5(d), by failing to demonstrate acceptable financial assurance; PENALTY: \$1,000; ENFORCEMENT COORDINATOR: Clinton Sims, (512) 239-6933; REGIONAL

OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(19) COMPANY: Henry Handy dba Handy's Majestic Cleaners; DOCKET NUMBER: 2006-1581-DCL-E; IDENTIFIER: RN104090311, RN104090659, and RN104090691; LOCATION: Mexia, Teague, and Jewett; Limestone, Freestone, and Leon Counties, Texas; TYPE OF FACILITY: dry cleaning drop stations; RULE VIOLATED: 30 TAC §337.11(e) and THSC, §374.102, by failing to renew the registration by completing and submitting the required registration form for the facilities; PENALTY: \$3,555; ENFORCEMENT COORDINATOR: Craig Fleming, (512) 239-5806; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833 and 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(20) COMPANY: HMW Special Utility District; DOCKET NUMBER: 2006-0593-MLM-E; IDENTIFIER: RN101253557, RN102687472, RN102688322, and RN101453660; LOCATION: Harris and Montgomery Counties, Texas; TYPE OF FACILITY: special utility district with public water supplies; RULE VIOLATED: 30 TAC §290.45(b)(1)(A)(i), (b)(1)(C)(ii), and (b)(1)(C)(iii), and THSC, §341.0315(c), by failing to meet the minimum well capacity requirement of 1.5 gpm per connection, by failing to provide a total storage capacity of 200 gallons per connection, and by failing to provide two or more service pumps having a total capacity of two gpm; 30 TAC §291.93(3) and the Code, §13.139(d), by failing to provide a written planning report; 30 TAC §290.41(c)(1)(F) and (u), by failing to provide a sanitary control easement or an approved exception to the easement requirement and by failing to plug and seal abandoned well number one; 30 TAC §290.121(a) and (b), by failing to maintain an up-to-date chemical and microbiological monitoring plan; 30 TAC §290.46(m), (m)(1)(B), and (n)(2), by failing to initiate maintenance housekeeping practices, by failing to inspect the pressure tank, and by failing to maintain on file and make available an up-to-date map of the distribution system; and 30 TAC §290.42(e)(4)(C) and (l), by failing to house gas chlorination facilities in a separate above ground level room or building with adequate floor level and high ventilation and by failing to compile and maintain a facility operations manual; PENALTY: \$11,011; ENFORCEMENT COORDINATOR: Epifanio Villareal, (210) 490-3096; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(21) COMPANY: Huntsman Petrochemical Corporation; DOCKET NUMBER: 2006-1692-AIR-E; IDENTIFIER: RN100219740; LOCATION: Conroe, Montgomery County, Texas; TYPE OF FACILITY: chemical manufacturing plant; RULE VIOLATED: 40 CFR §63.151(b)(2)(i) and §63.152(b) and (c)(1), and THSC, §382.085(b), by failing to submit an initial notification, a notification on compliance status, and semi-annual periodic reports; 40 CFR §63.103(c) and THSC, §382.085(b), by failing to maintain copies of all applicable records; 40 CFR §63.1439(a), (e)(5), and (e)(6)(i) and THSC, §382.085(b), by failing to maintain copies of all applicable records and by failing to submit a notification of compliance status and semi-annual periodic reports; 40 CFR §63.2515(b) and THSC, §382.085(b), by failing to submit an initial notification for sources subject to the requirements of 40 CFR Subpart FFFF; and 40 CFR §63.7545(b) and THSC, §382.085(b), by failing to submit an initial notification for sources subject to the requirements of 40 CFR Subpart DDDDD; PENALTY: \$18,375; ENFORCEMENT COORDINATOR: Rebecca Johnson, (713) 767-3500; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(22) COMPANY: Jatra International, Inc.; DOCKET NUMBER: 2006-1720-MWD-E; IDENTIFIER: RN101516037; LOCATION: Freestone County, Texas; TYPE OF FACILITY: wastewater treat-

ment; RULE VIOLATED: 30 TAC §305.65 and §305.125(1), TPDES Permit Number 11578001, Permit Conditions Number 4.c., and the Code, §26.121(a)(1), by failing to maintain a permit for the discharge of wastewater; PENALTY: \$5,280; ENFORCEMENT COORDINATOR: Catherine Albrecht, (713) 767-3500; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(23) COMPANY: K & S Mart, Inc. dba Glad Mart; DOCKET NUMBER: 2006-1873-PST-E; IDENTIFIER: RN102586658; LOCATION: Fort Worth, Tarrant County, Texas; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §115.242(3) and (3)(L) and THSC, §382.085(b), by failing to maintain the Stage II VRS; 30 TAC §115.245(2) and THSC, §382.085(b), by failing to verify proper operation of the Stage II equipment; and 30 TAC §115.246(7)(A) and THSC, §382.085(b), by failing to maintain records on site; PENALTY: \$3,825; ENFORCEMENT COORDINATOR: Patricia Chawla, (512) 239-0739; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(24) COMPANY: Lake Somerville Marina and Campground Incorporated; DOCKET NUMBER: 2006-1686-PWS-E; IDENTIFIER: RN101285757; LOCATION: Washington County, Texas; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.45(c)(1)(A)(i) and (ii) and THSC, §341.0315(c), by failing to meet the minimum well capacity requirement of one gpm per unit and by failing to provide a pressure tank capacity of at least 10 gallons per unit; 30 TAC §290.46(f)(2), (l), and (m)(1), by failing to maintain water works operation and maintenance records and make those records available for review, by failing to compile and maintain a facility operations manual, and by failing to conduct an annual inspection of the water system's pressure tank; 30 TAC §290.121(a) and (b), by failing to maintain an up-to-date chemical and microbiological monitoring plan for the distribution system; 30 TAC §290.41(c)(1)(F) and (c)(3)(O), by failing to provide a sanitary control easement and by failing to protect all water wells in a lockable building; and 30 TAC §290.43(d)(2), by failing to provide the pressure tank with a pressure release device; PENALTY: \$2,000; ENFORCEMENT COORDINATOR: Epifanio Villareal, (210) 490-3096; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(25) COMPANY: Lonzo Gale dba Lass Utility Service Company; DOCKET NUMBER: 2006-1595-MLM-E; IDENTIFIER: RN102694130 and RN102691995; LOCATION: Harris and Waller Counties, Texas; TYPE OF FACILITY: public water supply systems; RULE VIOLATED: 30 TAC §291.93(3) and the Code, §13.139(d), by failing to submit planning reports; 30 TAC §290.45(b)(1)(A)(i) and (ii) and THSC, §341.0315(c), by failing to provide a well capacity of 1.5 gpm per connection and by failing to meet the TCEQ minimum water system capacity requirements for adequate pressure tank capacity of 50 gallons per connection; 30 TAC §290.41(c)(1)(F), by failing to provide a sanitary control easement; 30 TAC §290.42(1), by failing to compile and maintain a thorough plant operations manual; 30 TAC §290.121(a), by failing to develop and maintain an up-to-date chemical and microbiological monitoring plan; 30 TAC §290.46(m)(1)(B), by failing to conduct an annual inspection of the pressure tank; and 30 TAC §290.51(a)(3), the Code, §5.702, and THSC, §341.041, by failing to pay outstanding public health service fees and associated late fees; PENALTY: \$1,446; ENFORCEMENT COORDINATOR: Amy Martin, (512) 239-2540; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(26) COMPANY: LBC Houston, L.P.; DOCKET NUMBER: 2006-0975-AIR-E; IDENTIFIER: RN101041598; LOCATION: Seabrook, Harris County, Texas; TYPE OF FACILITY: storage terminal; RULE

VIOLATED: 30 TAC §115.725(d) and THSC, §382.085(b), by failing to install and operate continuous flow and online analyzer monitors; and 30 TAC §116.115(c), Air Permit Number 3467B, Special Condition Number 13, and THSC, §382.085(b), by failing to meet the minimum heating value of 300 British thermal units per standard cubic foot; PENALTY: \$9,300; ENFORCEMENT COORDINATOR: Miriam Hall, (512) 239-1044; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(27) COMPANY: Lyondell Chemical Company; DOCKET NUMBER: 2006-1547-AIR-E; IDENTIFIER: RN102523107; LOCATION: Pasadena, Harris County, Texas; TYPE OF FACILITY: chemical plant; RULE VIOLATED: 30 TAC §116.115(c), New Source Review Permit Number 9395, Special Condition Number 8, and THSC, §382.085(b), by failing to comply with permitted emission limits; PENALTY: \$10,000; ENFORCEMENT COORDINATOR: Sherronda Martin, (713) 767-3500; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(28) COMPANY: City of Mexia; DOCKET NUMBER: 2005-0431-PWS-E; IDENTIFIER: RN101399905, Public Water Supply Number 1470004; LOCATION: Mexia, Limestone County, Texas; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.45(f)(4), by failing to meet the agency's minimum water system capacity requirements for purchase capacity; 30 TAC §290.44(h)(1)(B)(i) and (4), by failing to establish a formal cross-connection control program; 30 TAC §290.46(m), by failing to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition; and 30 TAC §290.44(h)(1)(A) and §290.47(i), by failing to provide, where an actual or potential contamination hazard exists, additional protection at the meter; PENALTY: \$935; Supplemental Environmental Project (SEP) offset amount of \$748 applied to repair or replace sewer lines for low income homeowners; ENFORCEMENT COORDINATOR: Craig Fleming, (512) 239-5806; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(29) COMPANY: Milano Independent School District; DOCKET NUMBER: 2006-1660-MSW-E; IDENTIFIER: RN102040813; LOCATION: Milano, Milam County, Texas; TYPE OF FACILITY: school; RULE VIOLATED: 30 TAC §330.15(c) (formerly 30 TAC §330.4(a)), by failing to properly dispose of MSW; PENALTY: \$1,050; ENFORCEMENT COORDINATOR: Dana Shuler, (512) 239-2505; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(30) COMPANY: Kimberly F. Miller; DOCKET NUMBER: 2007-0051-PWS-E; IDENTIFIER: RN104340286; LOCATION: Victoria, Victoria County, Texas; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §30.5(a), by failing to obtain a required occupational license; PENALTY: \$210; ENFORCEMENT COORDINATOR: Melissa Keller, (512) 239-1768; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(31) COMPANY: City of Pleasanton; DOCKET NUMBER: 2006-1766-MSW-E; IDENTIFIER: RN105025555; LOCATION: Pleasanton, Atascosa County, Texas; TYPE OF FACILITY: closed unpermitted landfill; RULE VIOLATED: 30 TAC §330.251 and §330.252 (now 30 TAC §330.453 and §330.455, respectively), by failing to adhere to closure requirements for MSW landfills; PENALTY: \$1,000; ENFORCEMENT COORDINATOR: Audra Ruble, (361) 825-3100; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(32) COMPANY: Jose F. Dallo dba Randolph Laundry & Cleaners; DOCKET NUMBER: 2006-1165-DCL-E; IDENTIFIER: RN104959499; LOCATION: Universal City, Bexar County, Texas; TYPE OF FACILITY: dry cleaning drop station; RULE VIOLATED: 30 TAC §337.10(a) and THSC, §374.102, by failing to complete and submit the required registration form; PENALTY: \$889; ENFORCEMENT COORDINATOR: Shontay Wilcher, (512) 239-2136; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(33) COMPANY: Range Pipeline Systems, L.P.; DOCKET NUMBER: 2006-1805-AIR-E; IDENTIFIER: RN100212877; LOCATION: Sterling City, Sterling County, Texas; TYPE OF FACILITY: gas compression plant; RULE VIOLATED: 30 TAC §122.145(2)(A), General Operating Permit Numbers O-345 and 514, and THSC, §382.085(b), by failing to report in writing, all instances of deviations; PENALTY: \$1,000; ENFORCEMENT COORDINATOR: Lindsey Jones, (512) 239-4930; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7013, (915) 655-9479.

(34) COMPANY: Nazir N. Chandani dba River Run Texaco; DOCKET NUMBER: 2006-1936-PST-E; IDENTIFIER: RN101560134; LOCATION: Rio Vista, Johnson County, Texas; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULE VIOLATED: 30 TAC §334.50(b)(2) and (b)(2)(A)(i)(III) and the Code, §26.3475(a), by failing to conduct proper release detection and by failing to test the line leak detectors; PENALTY: \$2,250; ENFORCEMENT COORDINATOR: Philip DeFrancesco, (817) 588-5800; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(35) COMPANY: R. J. Smelley Company, Inc.; DOCKET NUMBER: 2006-1541-AGR-E; IDENTIFIER: RN101536886; LOCATION: Parker and Tarrant Counties, Texas; TYPE OF FACILITY: dairy; RULE VIOLATED: 30 TAC §321.39(f)(24)(B) and TPDES Registration Number WQ0002422000, Section V. Conditions of the Registration, by failing to store stockpiled manure in a contained area; 30 TAC §321.40(1) and TPDES Registration Number WQ0002422000, Section V. Conditions of the Registration, by failing to design, construct, and operate waste control facilities to retain all process generated wastewater and the contaminated rainfall runoff; 30 TAC §321.40(11) and TPDES Registration Number WQ0002422000, Section V. Conditions of the Registration, by failing to properly manage and dispose of dead animals; and 30 TAC §321.39(f)(18), (f)(19)(F), (f)(19)(I)(iv), and (f)(19)(J)(i), and TPDES Registration Number WQ0002422000, Section V. Conditions of the Registration, by failing to prevent the growth of trees in the embankment, by failing to include predicted yield goals, by failing to maintain facilities including ponds, pipes, ditches, pumps, and diversion and irrigation equipment, and by failing to document the accurate number of acres utilized during each application event; PENALTY: \$7,990; ENFORCEMENT COORDINATOR: Lynley Doyen, (512) 239-1364; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(36) COMPANY: City of Robinson; DOCKET NUMBER: 2006-1741-PWS-E; IDENTIFIER: RN101196251; LOCATION: Robinson, McLennan County, Texas; TYPE OF FACILITY: public water supply; RULE VIOLATED: 30 TAC §290.46(f)(2), (m) and (n)(4), and (s)(1), by failing to maintain water works operation and maintenance records and make those available for review, by failing to initiate maintenance housekeeping practices, by failing to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition, and by failing to calibrate flow measuring devices and rate-of-flow controllers; 30 TAC §290.41(c)(3)(O), by failing to protect all water wells with an intruder-resistant fence with lockable gates; and 30 TAC §290.43(c)(2), by failing to provide a positive

roof hatch with a seal/gasket; PENALTY: \$1,994; ENFORCEMENT COORDINATOR: Epifanio Villareal, (210) 490-3086; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(37) COMPANY: Santos Construction, Inc.; DOCKET NUMBER: 2006-1944-WQ-E; IDENTIFIER: RN105044887; LOCATION: Denton County, Texas; TYPE OF FACILITY: construction company; RULE VIOLATED: the Code, §26.121, by failing to prevent an unauthorized discharge; PENALTY: \$3,750; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5800; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(38) COMPANY: City of Savoy; DOCKET NUMBER: 2006-1058-MWD-E; IDENTIFIER: RN102921988; LOCATION: Savoy, Fannin County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §305.125(1), TPDES Permit Number WQ0014273001 Effluent Limitations and Monitoring Requirements Numbers 1 and 2, and the Code, §26.121(a)(1), by failing to comply with its permitted effluent limits; PENALTY: \$10,400; Supplemental Environmental Project (SEP) offset amount of \$8,320 applied to connect approximately two low to moderate income residences, which are currently on septic systems, to the sanitary sewer system; ENFORCEMENT COORDINATOR: Pamela Campbell, (512) 239-4493; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(39) COMPANY: Shintech Incorporated; DOCKET NUMBER: 2006-1718-AIR-E; IDENTIFIER: RN100637909; LOCATION: Freeport, Brazoria County, Texas; TYPE OF FACILITY: polyvinyl chloride manufacturing; RULE VIOLATED: 30 TAC §122.146(1) and (2), FOP O-1361, General Terms and Conditions, and THSC, §382.085(b), by failing to submit permit compliance certifications; 30 TAC §122.145(2)(A) - (C), FOP O-1361, General Terms and Conditions, and THSC, §382.085(b), by failing to submit semi-annual deviation reports; and 30 TAC §101.20(2) and §122.143(4), 40 CFR §61.70(a), FOP O-1361, Special Condition 1A, and THSC, §382.085(b), by failing to submit quarterly National Emission Standards for Hazardous Pollutants reports for vinyl chloride; PENALTY: \$18,725; ENFORCEMENT COORDINATOR: Sherronda Martin, (713) 767-3680; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(40) COMPANY: Stonewater Pipeline Company, L.P.; DOCKET NUMBER: 2006-1816-AIR-E; IDENTIFIER: RN100215607; LOCATION: near Sonora, Sutton County, Texas; TYPE OF FACILITY: natural gas compression station; RULE VIOLATED: 30 TAC §122.146(1), General Operating Permit Numbers O-250 and 514, and THSC, §382.085(b), by failing to timely certify compliance with the terms and conditions of the Title V permit; PENALTY: \$2,875; Supplemental Environmental Project (SEP) offset amount of \$1,150 applied to Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") - Plugging Abandoned Water Wells; ENFORCEMENT COORDINATOR: Lindsey Jones, (512) 239-4930; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7013, (915) 655-9479.

(41) COMPANY: Texaco Exploration and Production Inc.; DOCKET NUMBER: 2006-1665-AIR-E; IDENTIFIER: RN100218890; LOCATION: Odessa, Ector County, Texas; TYPE OF FACILITY: natural gas processing plant; RULE VIOLATED: 30 TAC §101.20(2) and §122.143(4), FOP Number O-02648, Special Condition 2, 40 CFR §63, Subpart ZZZZ, Table 6, 63.6625(b), and §63.6655(d), and THSC, §382.085(b), by failing to keep required data on internal combustion catalyst pressure drops and inlet temperatures; PENALTY: \$6,750; ENFORCEMENT COORDINATOR: Terry Murphy, (512) 239-5025;

REGIONAL OFFICE: 3300 North A Street, Building 4, Suite 107, Midland, Texas 79705-5404, (915) 570-1359.

(42) COMPANY: Texas Department of Transportation; DOCKET NUMBER: 2006-1220-WQ-E; IDENTIFIER: RN104535356; LOCATION: Nacogdoches County, Texas; TYPE OF FACILITY: construction site; RULE VIOLATED: 30 TAC §122.26(a), TPDES General Permit Number TXR150000, Part III, Section F(2)(a)(iii), and the Code, §26.121(d), by failing to maintain the best management practices (BMP) structures; 30 TAC §281.25(a)(4), 40 CFR §122.26(a), and TPDES General Permit Number TXR150000, Part III, Section F(2)(a)(ii), by failing to install BMP structures; and the Code, §26.121(d), by failing to prevent the unauthorized discharge of sediment; PENALTY: \$1,050; Supplemental Environmental Project (SEP) offset amount of \$840 applied to Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D") - Wastewater Treatment Assistance; ENFORCEMENT COORDINATOR: Ruben Soto, (512) 239-4571; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1892, (409) 898-3838.

(43) COMPANY: Texas Parks and Wildlife Department; DOCKET NUMBER: 2005-0451-MWD-E; IDENTIFIER: RN102805025; TPDES Permit Number 0010896001; LOCATION: Austin County, Texas; TYPE OF FACILITY: wastewater treatment; RULE VIOLATED: 30 TAC §305.125(1) and (17), TPDES Permit Number 0010896001, Final Phase Effluent Limitations and Monitoring Requirements Number 1 and Sludge Provisions, Section II, F. Reporting Requirements, and the Code, §26.121(a), by failing to comply with permitted effluent limits, by failing to submit annual sludge reports, and by failing to submit parameter data on discharge monitoring reports; and the Code, §5.702, by failing to pay all fees, and associated penalties and interest; PENALTY: \$5,678; ENFORCEMENT COORDINATOR: Laurie Eaves, (512) 239-4495; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(44) COMPANY: Texas Parks and Wildlife Department; DOCKET NUMBER: 2006-2037-PWS-E; IDENTIFIER: RN101248524; LOCATION: Meridian, Bosque County, Texas; TYPE OF FACILITY: public water system; RULE VIOLATED: 30 TAC §290.45(f)(4) and (5), by failing to provide an adequate production and service pump capacity for a purchased water system; and 30 TAC §290.46(f)(2) and (h), by failing to provide water system records for review and by failing to have a supply of calcium hypochlorite disinfectant available; PENALTY: \$450; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 490-4096; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(45) COMPANY: The BOC Group, Inc.; DOCKET NUMBER: 2006-1834-AIR-E; IDENTIFIER: RN103080487; LOCATION: Pasadena, Harris County, Texas; TYPE OF FACILITY: industrial gas manufacturing plant; RULE VIOLATED: 30 TAC §116.115(c), Permit Number 4056, Special Condition 10, and THSC, §382.085(b), by failing to conduct the annual relative accuracy test audit; and 30 TAC §122.145(2)(A) and THSC, §382.085(b), by failing to report all instances of deviation on the semi-annual deviation reports; PENALTY: \$5,320; Supplemental Environmental Project (SEP) offset amount of \$2,128 applied to Houston-Galveston AERCO's Clean Cities/Clean Vehicles Program; ENFORCEMENT COORDINATOR: Samuel Short, (512) 239-5363; REGIONAL OFFICE: 5425 Polk Avenue, Suite H, Houston, Texas 77023-1486, (713) 767-3500.

(46) COMPANY: Ultra Fuel & Oil, L.L.C. dba Rio Grande Supermarket; DOCKET NUMBER: 2006-1979-AIR-E; IDENTIFIER: RN100815133; LOCATION: Canutillo, El Paso County, Texas; TYPE OF FACILITY: supermarket with retail sales of gasoline; RULE VIOLATED: 30 TAC §114.100(a) and THSC, §382.085(b), by failing to

supply fuel without the minimum oxygen content of 2.7% by weight; PENALTY: \$1,000; ENFORCEMENT COORDINATOR: Bryan Elliott, (512) 239-6162; REGIONAL OFFICE: 401 East Franklin Avenue, Suite 560, El Paso, Texas 79901-1206, (915) 834-4949.

(47) COMPANY: United Recyclers Services of Texas, Inc.; DOCKET NUMBER: 2006-1411-MLM-E; IDENTIFIER: RN102415429; LOCATION: Dallas, Dallas County, Texas; TYPE OF FACILITY: used oil transporter and transfer facility; RULE VIOLATED: 30 TAC §335.2(b), by failing to prevent industrial solid and hazardous waste from being stored, processed and/or disposed of at an unauthorized facility; 30 TAC §335.10(c) and §335.11(a) (formerly 30 TAC §335.10(b)(18) and (22)), by failing to have properly completed or accurately filled out manifests for transporting solid waste; 30 TAC §335.6(b), by failing to update the notice of registration; 30 TAC §324.1 and 40 CFR §279.44(a) and §279.45(g), by failing to ensure that the used oil was not a hazardous waste and by failing to have aboveground tanks used to store used oil labeled or clearly marked with the words "Used Oil"; PENALTY: \$5,693; ENFORCEMENT COORDINATOR: Michael Meyer, (512) 239-4492; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(48) COMPANY: US of True Corporation dba USA Cleaners; DOCKET NUMBER: 2006-1605-DCL-E; IDENTIFIER: RN101469260; LOCATION: Plano, Collin County, Texas; TYPE OF FACILITY: dry cleaners drop station; RULE VIOLATED: 30 TAC §337.11(e) and THSC, §374.102, by failing to renew the registration by completing and submitting the required registration form; and 30 TAC §337.14(c) and the Code, §5.702, by failing to pay dry cleaner registration late fees; PENALTY: \$1,185; ENFORCEMENT COORDINATOR: Suzanne Walrath, (512) 239-2134; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(49) COMPANY: Valero Refining-Texas, L.P.; DOCKET NUMBER: 2006-1824-PST-E; IDENTIFIER: RN101793750; LOCATION: Corpus Christi, Nueces County, Texas; TYPE OF FACILITY: property with USTs; RULE VIOLATED: 30 TAC §334.50(b)(1)(A) and the Code, §26.3475(c)(1), by failing to monitor USTs for releases; 30 TAC §334.49(a)(1) and the Code, §26.3475(d), by failing to provide proper corrosion protection; 30 TAC §37.815(a) and (b), by failing to provide acceptable financial assurance; and 30 TAC §334.7(a)(1) and (d)(1)(A), by failing to register with the commission a UST in existence on or after September 1, 1987, and provide written notice of the change in ownership; PENALTY: \$10,000; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5503, (361) 825-3100.

(50) COMPANY: Wise County Power Company, LP; DOCKET NUMBER: 2006-2105-AIR-E; IDENTIFIER: RN102584844; LOCATION: Poolville, Wise County, Texas; TYPE OF FACILITY: electric energy generation plant; RULE VIOLATED: 30 TAC §122.143(4) and §122.146(2) and FOP Number O-02604, General Terms and Conditions, by failing to submit the annual compliance certification; PENALTY: \$1,625; ENFORCEMENT COORDINATOR: Trina Grieco, (210) 490-3096; REGIONAL OFFICE: 2301 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-200700331

Mary R. Risner

Director, Litigation Division

Texas Commission on Environmental Quality

Filed: February 6, 2007



## Enforcement Orders

An agreed order was entered regarding Abdul Kanzani dba Super Maks Grocery, Docket No. 2004-0452-PST-E on January 26, 2007 assessing \$11,700 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kathleen Decker, Staff Attorney at (512) 239-6500, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding M & M General Contractors, Inc. dba M & M Limestone, Docket No. 2004-0996-WQ-E on January 26, 2007 assessing \$8,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Lena Roberts, Staff Attorney at (512) 239-0019, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Charlie Brown dba Charlie Brown's Learning Center, Docket No. 2004-1307-PWS-E on January 26, 2007 assessing \$2,400 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Justin Lannen, Staff Attorney at (817) 588-5927, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Union Carbide Corporation, Docket No. 2005-0233-AIR-E on January 26, 2007 assessing \$14,175 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Shannon Strong, Staff Attorney at (512) 239-0972, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding CSA Limited, Inc., Docket No. 2005-0916-IWD-E on January 26, 2007 assessing \$3,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Lena Roberts, Staff Attorney at (512) 239-0019, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding La Roca Ready Mix, Inc., Docket No. 2005-0937-AIR-E on January 26, 2007 assessing \$10,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Justin Lannen, Staff Attorney at (817) 588-5927, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Valley Star, Inc. dba Mike's Grocery, Docket No. 2005-1014-PST-E on January 26, 2007 assessing \$4,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Deanna Sigman, Staff Attorney at (512) 239-0619, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Redford Water Supply, Docket No. 2005-1074-PWS-E on January 26, 2007 assessing \$1,600 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Shana Horton, Staff Attorney at (512) 239-1088, Texas

Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding KR Mina, Inc. dba Fuqua Power Fuel, Docket No. 2005-1748-PST-E on January 26, 2007 assessing \$3,280 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Shana Horton, Staff Attorney at (512) 239-1088, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Concho Rural Water Corporation, Docket No. 2006-0041-PWS-E on January 26, 2007 assessing \$204 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kari Gilbreth, Staff Attorney at (512) 239-1320, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Susan Montgomery, Docket No. 2006-0312-PST-E on January 26, 2007 assessing \$13,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Kathleen Decker, Staff Attorney at (512) 239-6500, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Marguerite's, Inc., Docket No. 2006-0437-PWS-E on January 26, 2007 assessing \$12,363 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Lena Roberts, Staff Attorney at (512) 239-0019, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Robert Arimond, Docket No. 2006-0438-WOC-E on January 26, 2007 assessing \$2,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Lena Roberts, Staff Attorney at (512) 239-0019, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding ZSA Investment Inc. dba J's Shoppers Mart, Docket No. 2006-0493-PST-E on January 26, 2007 assessing \$3,925 in administrative penalties with \$785 deferred.

Information concerning any aspect of this order may be obtained by contacting Tom Greimel, Enforcement Coordinator at (512) 239-5690, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding U.S. Department of the Army Corpus Christi Army Depot, Docket No. 2006-0514-AIR-E on January 26, 2007 assessing \$2,050 in administrative penalties with \$410 deferred.

Information concerning any aspect of this order may be obtained by contacting Libby Hogue, Enforcement Coordinator at (512) 239-1165, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding C.C. Crawford Retreading Company, Inc., Docket No. 2006-0634-IHW-E on January 26, 2007 assessing \$18,750 in administrative penalties with \$3,750 deferred.

Information concerning any aspect of this order may be obtained by contacting Alison Echlin, Enforcement Coordinator at (512) 239-3308, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Lubbock Independent School District, Docket No. 2006-0696-PST-E on January 26, 2007 assessing \$10,125 in administrative penalties with \$2,025 deferred.

Information concerning any aspect of this order may be obtained by contacting Judy Kluge, Enforcement Coordinator at (817) 588-5825, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Catalina Contreras dba AAA Cleaners, Docket No. 2006-0725-DCL-E on January 26, 2007 assessing \$889 in administrative penalties with \$178 deferred.

Information concerning any aspect of this order may be obtained by contacting Cari-Michel La Caille, Enforcement Coordinator at (512) 239-1387, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Firestone Polymers, LLC, Docket No. 2006-0754-IHW-E on January 26, 2007 assessing \$14,350 in administrative penalties with \$2,870 deferred.

Information concerning any aspect of this order may be obtained by contacting Marlin Bullard, Enforcement Coordinator at (254) 761-3038, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Javier Moreno dba Comet Cleaners, Docket No. 2006-0760-DCL-E on January 26, 2007 assessing \$1,185 in administrative penalties with \$237 deferred.

Information concerning any aspect of this order may be obtained by contacting Harvey Wilson, Enforcement Coordinator at (512) 239-0321, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Thomas Steel Drums, Inc., Docket No. 2006-0804-AIR-E on January 26, 2007 assessing \$1,120 in administrative penalties with \$224 deferred.

Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (817) 588-5886, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding LYONDELL-CITGO Refining LP, Docket No. 2006-0811-AIR-E on January 26, 2007 assessing \$20,000 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Trina Grieco, Enforcement Coordinator at (210) 403-4006, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Evant, Docket No. 2006-0813-PWS-E on January 26, 2007 assessing \$1,338 in administrative penalties with \$268 deferred.

Information concerning any aspect of this order may be obtained by contacting Rebecca Clausewitz, Enforcement Coordinator at (210) 403-4012, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Maple Water Supply Corporation, Docket No. 2006-0832-PWS-E on January 26, 2007 assessing \$2,398 in administrative penalties.



Information concerning any aspect of this order may be obtained by contacting Brent Hurta, Enforcement Coordinator at (512) 239-6589, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Marek Family Enterprises, Inc. dba Kuntry Korner 4, Docket No. 2006-0833-PWS-E on January 26, 2007 assessing \$1,200 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Deana Holland, Enforcement Coordinator at (512) 239-2504, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Comet Cleaners Franchise Group, LLC dba Comet Cleaners, Docket No. 2006-0838-DCL-E on January 26, 2007 assessing \$251 in administrative penalties with \$50 deferred.

Information concerning any aspect of this order may be obtained by contacting Judy Kluge, Enforcement Coordinator at (817) 588-5825, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Fresh, Inc. dba Prince Cleaners, Docket No. 2006-0840-DCL-E on January 26, 2007 assessing \$1,185 in administrative penalties with \$237 deferred.

Information concerning any aspect of this order may be obtained by contacting Tom Greimel, Enforcement Coordinator at (512) 239-5690, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Chevron Phillips Chemical Company LP, Docket No. 2006-0904-AIR-E on January 26, 2007 assessing \$9,350 in administrative penalties with \$1,870 deferred.

Information concerning any aspect of this order may be obtained by contacting Rebecca Johnson, Enforcement Coordinator at (713) 422-8931, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Jesse Gibson dba ETC, Docket No. 2006-0913-DCL-E on January 26, 2007 assessing \$1,185 in administrative penalties with \$237 deferred.

Information concerning any aspect of this order may be obtained by contacting Colin Barth, Enforcement Coordinator at (512) 239-0086, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Timber Tech Texas, Inc., Docket No. 2006-0929-WQ-E on January 26, 2007 assessing \$5,795 in administrative penalties with \$1,159 deferred.

Information concerning any aspect of this order may be obtained by contacting Brent Hurta, Enforcement Coordinator at (512) 239-6589, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Intergulf Corporation, Docket No. 2006-0953-IHW-E on January 26, 2007 assessing \$5,250 in administrative penalties with \$1,050 deferred.

Information concerning any aspect of this order may be obtained by contacting Libby Hogue, Enforcement Coordinator at (512) 239-1165, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding E. R. Carpenter, L.P., Docket No. 2006-0957-AIR-E on January 26, 2007 assessing \$6,000 in administrative penalties with \$1,200 deferred.

Information concerning any aspect of this order may be obtained by contacting Kimberly Morales, Enforcement Coordinator at (713) 422-8938, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Gary Water Supply Corporation, Docket No. 2006-0982-PWS-E on January 26, 2007 assessing \$1,840 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Yuliya Dunaway, Enforcement Coordinator at (210) 403-4077, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Newport Municipal Utility District, Docket No. 2006-0986-MWD-E on January 26, 2007 assessing \$19,050 in administrative penalties with \$3,810 deferred.

Information concerning any aspect of this order may be obtained by contacting Brent Hurta, Enforcement Coordinator at (512) 239-6589, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Lindsey Ngo dba Tammy's Cleaners, Docket No. 2006-1008-DCL-E on January 26, 2007 assessing \$889 in administrative penalties with \$178 deferred.

Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-0577, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Terry Harrington, Docket No. 2006-1031-MLM-E on January 26, 2007 assessing \$2,100 in administrative penalties with \$420 deferred.

Information concerning any aspect of this order may be obtained by contacting John Barry, Enforcement Coordinator at (409) 899-8781, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Danny Park dba Park Cleaners, Docket No. 2006-1042-DCL-E on January 26, 2007 assessing \$1,185 in administrative penalties with \$237 deferred.

Information concerning any aspect of this order may be obtained by contacting Marlin Bullard, Enforcement Coordinator at (254) 761-3038, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding L A F Enterprises, Inc. dba Comet Cleaners 1 and dba Comet Cleaners 2, Docket No. 2006-1043-DCL-E on January 26, 2007 assessing \$2,370 in administrative penalties with \$474 deferred.

Information concerning any aspect of this order may be obtained by contacting Marlin Bullard, Enforcement Coordinator at (254) 761-3038, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Monarch Utilities I.L.P. dba Oak Trail Shores Public Water Supply, Docket No. 2006-1068-PWS-E on January 26, 2007 assessing \$1,005 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Cari-Michel La Caille, Enforcement Coordinator at (512) 239-1387, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Yarana, Inc. dba Omega Cleaners, Docket No. 2006-1081-DCL-E on January 26, 2007 assessing \$1,185 in administrative penalties with \$237 deferred.

Information concerning any aspect of this order may be obtained by contacting Suzanne Walrath, Enforcement Coordinator at (512) 239-2134, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding North Lauderdale, Inc. dba Tip Top Cleaners and dba Vogue Cleaners, Docket No. 2006-1087-DCL-E on January 26, 2007 assessing \$2,370 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Suzanne Walrath, Enforcement Coordinator at (512) 239-2134, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Southwestern Bell Telephone, L.P., Docket No. 2006-1094-AIR-E on January 26, 2007 assessing \$1,000 in administrative penalties with \$200 deferred.

Information concerning any aspect of this order may be obtained by contacting Trina Grieco, Enforcement Coordinator at (210) 403-4006, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Tuan Q. Tran dba Dior Cleaners, Docket No. 2006-1107-DCL-E on January 26, 2007 assessing \$1,956 in administrative penalties with \$392 deferred.

Information concerning any aspect of this order may be obtained by contacting Craig Fleming, Enforcement Coordinator at (512) 239-5806, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Zaffar Hashim dba Zac's Cleaners, Docket No. 2006-1122-DCL-E on January 26, 2007 assessing \$889 in administrative penalties with \$178 deferred.

Information concerning any aspect of this order may be obtained by contacting Harvey Wilson, Enforcement Coordinator at (512) 239-0321, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Magdalena Bazanes Vasquez dba Rex Cleaners, Docket No. 2006-1136-DCL-E on January 26, 2007 assessing \$889 in administrative penalties with \$178 deferred.

Information concerning any aspect of this order may be obtained by contacting Suzanne Walrath, Enforcement Coordinator at (512) 239-2134, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding SB & AB Corporation dba Able Cleaners, Docket No. 2006-1148-DCL-E on January 26, 2007 assessing \$2,370 in administrative penalties with \$474 deferred.

Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-0577, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Hong Enterprises, LLC dba Comet Cleaners, Docket No. 2006-1157-DCL-E on January 26, 2007 assessing \$889 in administrative penalties with \$178 deferred.

Information concerning any aspect of this order may be obtained by contacting Tom Greimel, Enforcement Coordinator at (512) 239-5690, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding City of Hallsville, Docket No. 2006-1180-MWD-E on January 26, 2007 assessing \$2,250 in administrative penalties with \$450 deferred.

Information concerning any aspect of this order may be obtained by contacting Ruben Soto, Enforcement Coordinator at (512) 239-4571, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Fallbrook Enterprises, Inc. dba Deluxe Cleaners 2, Docket No. 2006-1202-DCL-E on January 26, 2007 assessing \$347 in administrative penalties with \$69 deferred.

Information concerning any aspect of this order may be obtained by contacting Judy Kluge, Enforcement Coordinator at (817) 588-5825, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Victor Resendiz dba Vics Alterations, Docket No. 2006-1212-DCL-E on January 26, 2007 assessing \$353 in administrative penalties with \$71 deferred.

Information concerning any aspect of this order may be obtained by contacting Patricia Chawla, Enforcement Coordinator at (512) 239-0739, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding ConocoPhillips Pipe Line Company, Docket No. 2006-1221-AIR-E on January 26, 2007 assessing \$1,875 in administrative penalties with \$375 deferred.

Information concerning any aspect of this order may be obtained by contacting Jessica Rhodes, Enforcement Coordinator at (512) 239-2879, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Iqbal Abdul Aziz dba US Star Cleaners, Docket No. 2006-1235-DCL-E on January 26, 2007 assessing \$1,185 in administrative penalties with \$237 deferred.

Information concerning any aspect of this order may be obtained by contacting Epifanio Villareal, Enforcement Coordinator at (210) 403-4033, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Ahmed Jafferally dba Tip Top Cleaners, Docket No. 2006-1236-DCL-E on January 26, 2007 assessing \$889 in administrative penalties with \$178 deferred.

Information concerning any aspect of this order may be obtained by contacting Epifanio Villareal, Enforcement Coordinator at (210) 403-4033, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Trikut Devi, Inc. dba Dryclean Plus, Docket No. 2006-1238-DCL-E on January 26, 2007 assessing \$630 in administrative penalties with \$126 deferred.

Information concerning any aspect of this order may be obtained by contacting Craig Fleming, Enforcement Coordinator at (512) 239-5806, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Ronald P. Schuler and Rusamee J. Schuler dba Port Neches Cleaners, Docket No. 2006-1279-DCL-E on January 26, 2007 assessing \$1,185 in administrative penalties with \$237 deferred.

Information concerning any aspect of this order may be obtained by contacting Mike Meyer, Enforcement Coordinator at (512) 239-4492, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding J&M Royal, Inc. dba \$1.19 Spencer Cleaners, Docket No. 2006-1288-DCL-E on January 26, 2007 assessing \$611 in administrative penalties with \$122 deferred.

Information concerning any aspect of this order may be obtained by contacting Dana Shuler, Enforcement Coordinator at (512) 239-2505, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding C & L Services, LP, Docket No. 2006-1328-PST-E on January 26, 2007 assessing \$3,150 in administrative penalties with \$630 deferred.

Information concerning any aspect of this order may be obtained by contacting Judy Kluge, Enforcement Coordinator at (817) 588-5825, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Chang Soo Yoo and Young Yoo dba Cullen Dry Cleaners, Docket No. 2006-1364-DCL-E on January 26, 2007 assessing \$2,370 in administrative penalties with \$474 deferred.

Information concerning any aspect of this order may be obtained by contacting Samuel Short, Enforcement Coordinator at (512) 239-5363, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Brothers Together Inc. dba Deluxe Dry Cleaners and dba Enclave Cleaners, Docket No. 2006-1366-DCL-E on January 26, 2007 assessing \$2,667 in administrative penalties with \$534 deferred.

Information concerning any aspect of this order may be obtained by contacting Samuel Short, Enforcement Coordinator at (512) 239-5363, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Sun Ok Ha dba J Cleaners, Docket No. 2006-1378-DCL-E on January 26, 2007 assessing \$1,185 in administrative penalties with \$237 deferred.

Information concerning any aspect of this order may be obtained by contacting Tom Greimel, Enforcement Coordinator at (512) 239-5690, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Tok Ward dba MHL Cleaners, Docket No. 2006-1386-DCL-E on January 26, 2007 assessing \$889 in administrative penalties with \$178 deferred.

Information concerning any aspect of this order may be obtained by contacting Judy Kluge, Enforcement Coordinator at (817) 588-5825, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Sung Jin Corporation dba Lisa Cleaners 1, Docket No. 2006-1388-DCL-E on January 26, 2007 assessing \$476 in administrative penalties with \$95 deferred.

Information concerning any aspect of this order may be obtained by contacting Judy Kluge, Enforcement Coordinator at (817) 588-5825, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Spring Creek Utility District, Docket No. 2006-1391-MWD-E on January 26, 2007 assessing \$3,640 in administrative penalties with \$728 deferred.

Information concerning any aspect of this order may be obtained by contacting Catherine Albrecht, Enforcement Coordinator at (713) 767-3672, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Long Le dba One Day Cleaners, Docket No. 2006-1449-DCL-E on January 26, 2007 assessing \$1,067 in administrative penalties with \$214 deferred.

Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (817) 588-5886, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Tin Nguyen dba Rice Cleaners, Docket No. 2006-1482-DCL-E on January 26, 2007 assessing \$1,185 in administrative penalties with \$237 deferred.

Information concerning any aspect of this order may be obtained by contacting Judy Kluge, Enforcement Coordinator at (817) 588-5825, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Adelia R. Robinson dba Crickets Cleaners, Docket No. 2006-1485-DCL-E on January 26, 2007 assessing \$889 in administrative penalties with \$178 deferred.

Information concerning any aspect of this order may be obtained by contacting Tom Greimel, Enforcement Coordinator at (512) 239-5690, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Chinh V. Phan dba P & T Cleaners, Docket No. 2006-1606-DCL-E on January 26, 2007 assessing \$889 in administrative penalties with \$178 deferred.

Information concerning any aspect of this order may be obtained by contacting Samuel Short, Enforcement Coordinator at (512) 239-5363, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was entered regarding Binh T. Nguyen dba Ann Drapers and Cleaners, Docket No. 2006-1670-DCL-E on January 26, 2007 assessing \$889 in administrative penalties with \$178 deferred.

Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (817) 588-5886, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An order was entered regarding Sada Bahar, Inc. dba Kwik Mart 6, Docket No. 2005-1563-PST-E on January 26, 2007 assessing \$6,500 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting Brent Hurta, Enforcement Coordinator at (512) 239-6589, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was entered regarding Billy G. Hall, Docket No. 2002-0332-PST-E on January 24, 2007 assessing \$9,900 in administrative penalties.

Information concerning any aspect of this order may be obtained by contacting James Sallans, Staff Attorney at (512) 239-2053, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-200700351

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 7, 2007



Notice of District Petition

Notices issued February 1, 2007 and February 2, 2007.

Texas Commission on Environmental Quality (TCEQ) Internal Control No. 09222006-D06; Gaida Family, LP and D-Star Holdings, LP (Petitioner) filed a petition for creation of Williamson County Municipal Utility District No. 23 (District) with the TCEQ. The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; Chapter 441 of the Texas Transportation Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states the following: (1) the Petitioner is the owner of and holds title to all of the lands to be included in the proposed District; (2) there are no lien holders on the property to be included in the proposed District; (3) the proposed District will contain approximately 529.96 acres of land located in Williamson County, Texas; and (4) the proposed District is entirely within the extraterritorial jurisdiction of the City of Liberty, Texas, and no portion of land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any other city, town, or village of the State of Texas. By Resolution No. 06-O-56, effective August 14, 2006, the City of Liberty Hill, Texas, gave its consent to the creation of the proposed District. According to the petition, the Petitioner has conducted a preliminary investigation to determine the cost of the project and from the information available at the time, the cost of the project is estimated to be approximately \$62,810,125.

TCEQ Internal Control No. 01092007-D02; CW SCOA WEST, L.P. (Petitioner) filed a petition for creation of Harris County Municipal Utility District No. 500 (District) with the TCEQ. The petition was filed pursuant to Article XVI, Section 59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states the following: (1) the Petitioner is the owner of a majority in value of the land to be included in the proposed District; (2) there is one lien holder, First Bank & Trust (n/k/a First Bank), on the property to be included in the proposed District, and the Petitioner has provided the TCEQ with a certificate evidencing its consent to the creation of the proposed District; (3) the proposed District will contain approximately 59.8 acres located within Harris County, Texas; and (4) the proposed District is within the extraterritorial jurisdiction of the City of Houston, Texas, and no portion of land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any other city, town or village in Texas. By Ordinance No. 2006-1078, effective October 30, 2006, the City of Houston, Texas, gave its consent to the creation of the proposed District. According to the petition, the Petitioner has conducted a preliminary investigation to determine the cost of the project, and from the information available at the time, the cost of the project is estimated to be approximately \$7,460,000.

#### INFORMATION SECTION

The TCEQ may grant a contested case hearing on this petition if a written hearing request is filed within 30 days after the newspaper publication of this notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice.

If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en Español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us).

TRD-200700350

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 7, 2007



#### Notice of Water Quality Applications

The following notices were issued during the period of January 31, 2007 through February 1, 2007.

The following require the applicants to publish notice in a newspaper. Public comments, requests for public meetings, or requests for a contested case hearing may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087, WITHIN 30 DAYS OF THE DATE OF NEWSPAPER PUBLICATION OF THE NOTICE.

AQUA DEVELOPMENT, INC. has applied for a renewal of Texas Pollutant Discharge Elimination System (TPDES) Permit No. 13433-001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 500,000 gallons per day. The facility is located approximately 2.2 miles east of the intersection of Farm-to-Market Road 1960 and Windfern Road and approximately 1.8 miles south of the intersection of Farm-to-Market Road 1960 and Farm-to-Market Road 249 in Harris County, Texas.

CITY OF ATHENS has applied for a renewal of TPDES Permit No. 10143-003, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 1,367,000 gallons per day. The facility is located south of Walnut Creek and approximately four miles southwest of the intersection of Prairieville and Corsicana Streets in the City of Athens in Henderson County, Texas.

THE CITY OF CHANDLER has applied for a renewal of TPDES Permit No. 11012-001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 500,000 gallons per day. The facility is located on the eastside of Old Noonday Road south of the City of Chandler, approximately 1 mile southeast of the intersection of State Highway 31 and Farm-to-Market Road 315 in Henderson County, Texas.

FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 130 has applied for a renewal of TPDES Permit No. 14011-001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 300,000 gallons per day. The facility is located approximately 700 feet southwest of Buffalo Bayou and 10,200 feet southeast of the intersection of Interstate Highway 10 and Farm-to-Market Road 1463 in Fort Bend County, Texas.

HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 130 has applied for a renewal of TPDES Permit No. 12574-001, which autho-

rizes the discharge of treated domestic wastewater at a daily average flow not to exceed 950,000 gallons per day. The facility is located approximately 0.5 mile south of U.S. Highway 290 and approximately one mile east of Jack Rabbit Road in Harris County, Texas.

SOUTH CENTRAL WATER COMPANY has applied for a new permit, proposed TPDES Permit No. WQ0014743001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 600,000 gallons per day. The facility is located one and 7.8 miles south east of the intersection of Spur 55 and Farm-to-Market Road 1405 adjacent to Cedar Bayou in Harris County, Texas. The Executive Director has reviewed this action for consistency with the goals and policies of the Texas Coastal Management Program (CMP) in accordance with the regulations of the Coastal Coordination Council (CCC) and has determined that the action is consistent with the applicable CMP goals and policies.

STONEWALL RIDGE UTILITIES, LLC has applied for a renewal of Permit No. 14435-001, which authorizes the disposal of treated domestic wastewater at a daily average flow not to exceed 5000 gallons per day via public access subsurface drip irrigation system with a minimum area of 1.15 acres. The facility and disposal site are located in the Stonewall Ridge Subdivision off of the proposed Sky Forest Drive, approximately 500 feet southwest of the intersection of Sky Forest Drive and Bee Caves Road in Travis County, Texas.

CITY OF TRINITY has applied for a renewal of TPDES Permit No. 10617-001, which authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 610,000 gallons per day. The facility is located approximately 1,500 feet east-southeast of the intersection of Pagoda Road (Farm-to-Market Road 35) and Ramey Street in southeast Trinity in Trinity County, Texas.

TRINITY BAY CONSERVATION DISTRICT has applied for a new permit, proposed TPDES Permit No. WQ0014734001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 100,000 gallons per day. The facility will be located approximately 500 feet north of the intersection of Farm-to-Market Road 562 and Hawkins Camp Road in Smith Point in Chambers County, Texas. The Texas Commission on Environmental Quality (TCEQ) Executive Director has reviewed this action for consistency with the Texas Coastal Management Program goals and policies in accordance with the regulations of the CCC, and has determined that the action is consistent with the applicable CMP goals and policies.

TROPHY CLUB MUNICIPAL UTILITY DISTRICT NO. 1 has applied to the TCEQ for a renewal of TPDES Permit No. WQ0011593001, which authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 1,750,000 gallons per day. The current permit also authorizes the disposal of treated domestic wastewater via irrigation of the Trophy Club County Club Golf Course. The facility is located approximately 0.9 miles north of the intersection of State Highway 114 and Trophy Club Drive, and approximately 2.5 miles east of the intersection of U.S. Highway 377 and State Highway 114 in Denton County, Texas. The irrigation site, the Trophy Club County Club Golf Course, is located adjacent to the plant site.

#### INFORMATION SECTION

To view the complete issued notices, view the notices on our web site at [www.tceq.state.tx.us/comm\\_exec/cc/pub\\_notice.html](http://www.tceq.state.tx.us/comm_exec/cc/pub_notice.html) or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

If you need more information about these permit applications or the permitting process, please call the TCEQ Office of Public Assistance,

Toll Free, at 1-800-687-4040. General information about the TCEQ can be found at our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us). Si desea información en Español, puede llamar al 1-800-687-4040.

TRD-200700348

LaDonna Castañuela

Chief Clerk

Texas Commission on Environmental Quality

Filed: February 7, 2007



#### Notice of Water Rights Application

Notices issued January 31, 2007 and February 5, 2007.

APPLICATION NO. 19-2145A; Jerry Spears and Mariam A. Spears Trust, 14420 #2 Old Somerset Road, Von Ormy, Texas 78073, Applicant, has applied to amend Certificate of Adjudication 19-2145 to add municipal, industrial and recreation purposes to the authorized 32 acre-feet of water per year and diversion segment on the Medina River, San Antonio River Basin, in Bexar County. The application was received on June 27, 2006. Additional information and fees were received on September 7, 2006. The application was accepted for filing and declared administratively complete on October 5, 2006. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below by February 20, 2007.

Application No. 14-2488B; The Executive Director of the Texas Commission on Environmental Quality ("TCEQ" or "Commission") has petitioned the Commission to correct an error inadvertently made in the preparation of Certificate of Adjudication No. 14-2488A for K&B Powell Family Limited Partnership, 704 West 12th, Brady, Texas 76825. Certificate of Adjudication No. 14-2488A was issued on June 13, 2001 to K&B Powell Family Limited Partnership and an inadvertent error was made in the description of Priority paragraph 4. When preparing Certificate of Adjudication No. 14-2488A, Priority paragraph 4., the description of Priority, inadvertently referred the 100 acre-feet of water with a priority date of November 25, 1912 and the 122 acre-feet with a priority date of December 31, 1936. However, based upon the original Certificate of Adjudication No. 14-2479 and other technical documents in the Commission's official file, the priority was intended to be 122 acre-feet of water having a priority date of November 25, 1912 and the 100 acre-feet having a priority date of December 31, 1936. The Priority paragraph 4., of the amended permit should be corrected to read: The 122 acre-feet of water has a priority date of November 25, 1912 and the 100 acre-feet has a priority date of December 31, 1936. The error inadvertently made to the Priority paragraph 4., can be corrected by the Commission based on the petition of the Executive Director pursuant to 30 TAC §297.61. The petition was submitted to the Commission on January 3, 2007 for consideration. The petition was accepted for filing with the Office of the Chief Clerk and declared administratively complete on January 3, 2007. Written public comments and requests for a public meeting should be submitted to the Office of Chief Clerk, at the address provided in the information section below, within 30 days of the date of newspaper publication of the notice.

#### INFORMATION SECTION

To view the complete issued notices, view the notices on our web site at [www.tceq.state.tx.us/comm\\_exec/cc/pub\\_notice.html](http://www.tceq.state.tx.us/comm_exec/cc/pub_notice.html) or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the web site, type in the issued date range shown at the top of this document to obtain search results.

A public meeting is intended for the taking of public comment, and is not a contested case hearing.

The Executive Director can consider approval of an application unless a written request for a contested case hearing is filed. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) applicant's name and permit number; (3) the statement "[I/we] request a contested case hearing;" and (4) a brief and specific description of how you would be affected by the application in a way not common to the general public. You may also submit any proposed conditions to the requested application which would satisfy your concerns. Requests for a contested case hearing must be submitted in writing to the TCEQ Office of the Chief Clerk at the address provided below.

If a hearing request is filed, the Executive Director will not issue the requested permit and may forward the application and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting.

Written hearing requests, public comments or requests for a public meeting should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Office of Public Assistance at 1-800-687-4040. General information regarding the TCEQ can be found at our web site at [www.tceq.state.tx.us](http://www.tceq.state.tx.us). Si desea información en Español, puede llamar al 1-800-687-4040.

TRD-200700349  
LaDonna Castañuela  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: February 7, 2007

◆ ◆ ◆  
**Proposal for Decision**

The State Office of Administrative Hearings (SOAH) issued a Proposal for Decision and Order to the Texas Commission on Environmental Quality (TCEQ) on January 29, 2007, in the matter of the Executive Director of the TCEQ, Petitioner v. the City of Normangee; SOAH Docket No. 582-06-0662; TCEQ Docket No. 2004-0565-MWD-E.

The commission will consider the Administrative Law Judge's Proposal for Decision and Order regarding the enforcement action against the City of Normangee on a date and time to be determined by the Office of the Chief Clerk in Room 201S of Building E, 12100 North Interstate 35, Austin, Texas.

This posting is Notice of Opportunity to Comment on the Proposal for Decision and Order. The comment period will end 30 days from date of this publication. Written public comments should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. If you have any questions or need assistance, please contact Paul Munguía, Office of the Chief Clerk, (512) 239-3300.

TRD-200700352  
LaDonna Castañuela  
Chief Clerk  
Texas Commission on Environmental Quality  
Filed: February 7, 2007

◆ ◆ ◆  
**Department of State Health Services**

Licensing Actions for Radioactive Materials

The Department of State Health Services has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables. The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout Texas" indicates that the radioactive material may be used on a temporary basis at job sites throughout the state.

NEW LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
New Iberia, LA	NRC Electronics Technologies LLC	L06048	New Iberia, LA	00	01/19/07
San Antonio	University of Texas Health Science Center at San Antonio Edinburg Regional Academic Health Center	L06029	San Antonio	00	01/23/07
Throughout Tx	Nuliner Inc	L06053	Odessa	00	01/25/07
Throughout Tx	Conam Inspection & Engineering Inc	L05010	Pasadena	00	01/26/07

AMENDMENTS TO EXISTING LICENSES ISSUED:

Location	Name	License #	City	Amend-ment #	Date of Action
Abilene	Abilene Cardiology Consultants PA	L04315	Abilene	30	01/29/06
Abilene	Texas Oncology PA DBA Texas Cancer Center Abilene	L05127	Abilene	12	01/25/07
Alice	Adcock Pipe and Supply Inc	L05491	Alice	02	01/22/07
Allen	Presbyterian Medical Center DBA Presbyterian Hospital of Allen	L05765	Allen	04	01/25/07
Amarillo	Cardiology Center of Amarillo LLP	L05736	Amarillo	04	01/22/07
Arlington	USMD Hospital at Arlington	L05727	Arlington	06	01/26/07
Austin	ARA Imaging	L05862	Austin	15	01/29/07
Austin	ARA Imaging	L05862	Austin	14	01/31/07
Austin	Austin Radiological Association	L00545	Austin	124	01/26/07
Austin	Heart of Texas Cardiology PA	L05622	Austin	05	01/22/07
Austin	St Davids Healthcare Partnership LP LLP DBA St Davids Medical Center	L05856	Austin	07	01/25/07
Austin	Texas Cardiovascular Consultants PA	L05246	Austin	27	01/12/07
Beaumont	Baptist Hospital of Southeast Texas	L00358	Beaumont	104	01/23/07
Brownsville	Christopher R Gill MD PA DBA Valley Cardiac Care Center	L05725	Brownsville	03	01/22/07
Conroe	River Pointe Heart and Vascular Center	L05728	Conroe	06	01/22/07
Corpus Christi	The Corpus Christi Medical Center Bay Area	L04723	Corpus Christi	44	01/19/07
Corpus Christi	Thomas Spann Clinic PA	L05733	Corpus Christi	03	01/29/07
Dallas	Afridi Heart Care PA	L06005	Dallas	01	01/30/07
Dallas	Cardinal Health	L05610	Dallas	09	01/26/07
Dallas	E+ Pet Imaging LP DBA Pet Imaging of Dallas	L05726	Dallas	05	01/22/07
Dallas	Mallinckrodt Inc	L03580	Dallas	56	01/23/07
Dallas	Medical City Dallas Hospital DBA Medical City	L01976	Dallas	167	01/29/07
Dallas	Methodist Hospitals of Dallas Radiological Services	L00659	Dallas	50	01/31/07
Dallas	Richardson Diagnostic Imaging LP DBA Quantam Diagnostic Imaging	L05468	Dallas	10	01/26/07
Dallas	Southern Methodist University Department of Biological Sciences	L02887	Dallas	19	01/24/07
Decatur	Wise Regional Health System	L02382	Decatur	26	01/23/07
Deer Park	Total Petrochemicals USA Inc	L00302	Deer Park	48	01/25/07
Del Rio	Del Rio Heart Institute & Diabetes Center	L05950	Del Rio	03	01/23/07
El Paso	BRK Brands Inc	L03725	El Paso	12	01/16/07
El Paso	Cardinal Health	L01999	El Paso	108	01/25/07
El Paso	Southwest Endocrine Consultants	L05617	El Paso	07	01/22/07

AMENDMENTS TO EXISTING LICENSES ISSUED: (CONTINUED)

Location	Name	License #	City	Amendment #	Date of Action
Fort Worth	Baylor All Saints Medical Center DBA Baylor Medical Center at Southwest Fort Worth	L04105	Fort Worth	26	01/25/07
Fort Worth	Consultants in Radiology PA	L05014	Fort Worth	20	01/30/07
Fort Worth	Harris Methodist Fort Worth	L01837	Fort Worth	105	01/12/07
Fort Worth	Oncology Hematology Consultants PA DBA The Center for Cancer and Blood Disorders	L05919	Fort Worth	06	01/23/07
Fort Worth	Raytel Nuclear Imaging LP	L04659	Fort Worth	11	01/22/07
Fort Worth	Raytel Nuclear Imaging LP	L04659	Fort Worth	12	01/26/07
Friendswood	ISO Tex Diagnostics Inc	L02999	Friendswood	43	01/24/07
Gonzales	KI4U Inc	L05515	Gonzales	04	01/25/07
Houston	American Diagnostic Tech LLC	L05514	Houston	34	01/24/07
Houston	American Diagnostic Tech LLC	L05514	Houston	35	01/29/07
Houston	Ben Taub General Hospital Nuclear Medicine	L01303	Houston	62	01/22/07
Houston	Cardiology Center of Houston PA	L05400	Houston	05	01/26/07
Houston	Cardiovascular Clinic of Texas	L04963	Houston	07	01/12/07
Houston	Encysive Pharmaceuticals Inc	L04568	Houston	17	01/26/07
Houston	Houston Cyclotron Partners LP DBA Cyclotope	L05585	Houston	09	01/16/07
Houston	Medi Physics Inc DBA GE Healthcare	L05517	Houston	13	01/30/07
Houston	Memorial Cardiology Associates PA	L05349	Houston	06	01/25/07
Houston	Memorial Hermann Hospital System DBA Memorial Hospital Southwest	L00439	Houston	121	01/25/07
Houston	OCTG LLP	L05871	Houston	02	01/25/07
Houston	The Methodist Hospital	L00457	Houston	147	01/23/07
Humble	Northeast Hospital Authority DBA Northeast Medical Center Hospital	L02412	Humble	62	01/22/07
Irving	Abbott Laboratories	L04841	Irving	10	01/29/07
Jacksonville	East Texas Medical Center Jacksonville	L00169	Jacksonville	38	01/25/07
Kosse	US Silica Company	L03150	Kosse	10	01/24/07
La Porte	Rohm and Haas Chemicals LLC	L04368	La Porte	12	01/22/07
La Porte	Sunoco Inc R&M DBA Sunoco Chemicals	L02778	La Porte	18	01/18/07
La Porte	Sunoco Inc R&M DBA Sunoco Chemicals	L02153	La Porte	32	01/18/07
Lancaster	Medical Center at Lancaster	L03342	Lancaster	28	01/18/07
Lewisville	Cardiovascular Specialists PA	L05507	Lewisville	10	01/18/07
Longview	Eastman Chemicals Company Tx Operations	L00301	Longview	106	01/16/07
Lubbock	Cardinal Health	L02737	Lubbock	52	01/26/07
Lubbock	Covenant Health System DBA Joe Arrington Cancer Research and Treatment Center	L06028	Lubbock	04	01/12/07
Lubbock	Covenant Medical Group DBA Cardiology Associates Covenant Medical Group	L04468	Lubbock	18	01/25/07
Lubbock	University Medical Center	L04719	Lubbock	91	01/29/07
McKinney	Cardiac Center of Texas PA	L05744	McKinney	09	01/22/07
Mexia	Parkview Regional Hospital Nuclear Medicine Department	L05144	Mexia	22	01/31/07
Mount Pleasant	DX Imaging LTD DBA Open Imaging of Mount Pleasant	L05445	Mount Pleasant	08	01/23/07
Odessa	Texas Oncology PA DBA West Texas Cancer Center	L05140	Odessa	09	01/23/07
Pampa	Signature Pampa Hospital LP DBA Pampa Regional Medical Center	L03123	Pampa	23	01/25/07
Pasadena	Celanese LTD Clear Lake Plant	L01130	Pasadena	67	01/24/07



AMENDMENTS TO EXISTING LICENSES ISSUED: (CONTINUED)

Location	Name	License #	City	Amendment #	Date of Action
Pasadena	Syngenta Crop Protection Inc	L02216	Pasadena	31	01/24/07
Pasadena	The Dow Chemical Company Clear Lake Operations	L05829	Pasadena	05	01/16/07
Perryton	Ochiltree County Hospital District	L06006	Perryton	01	01/25/07
Plano	Physician Reliance Network Inc Texas Oncology Plano West Cancer Center	L05896	Plano	06	01/31/07
Plano	Texas Heart Hospital of the Southwest LLP DBA The Heart Hospital Baylor Plano	L06004	Plano	02	01/26/07
Plano	Texas Regional Heart Center PA DBA Legacy Heart Center	L03704	Plano	33	01/23/07
Port Arthur	Christus Health Southeast Texas DBA Christus Hospital St Mary	L01212	Port Arthur	93	01/29/07
Port Arthur	Motiva Enterprises LLC	L05211	Port Arthur	08	01/16/07
Port Arthur	Smith and Thome Cardiovascular Consultants LLP	L05743	Port Arthur	04	01/22/07
Richardson	Richardson Cardiology Associates	L05667	Richardson	06	01/25/07
Richardson	The University of Texas at Dallas	L02114	Richardson	54	01/30/07
San Antonio	Heart Hospital of San Antonio LP DBA Texsan Heart Hospital	L05722	San Antonio	08	01/30/07
San Antonio	Methodist Healthcare System of San Antonio LTD DBA The Gamma Knife Center	L05076	San Antonio	18	01/22/07
Stephenville	Stephenville Medical and Surgical Clinic	L05309	Stephenville	07	01/25/07
Stephenville	Tarleton State University	L05612	Stephenville	04	01/30/07
The Woodlands	Memorial Hospital the Woodlands	L03772	The Woodlands	51	01/29/07
Throughout Tx	Team Industrial Services Inc	L00087	Alvin	157	01/26/07
Throughout Tx	Talon Drilling Inc DBA Llano-Permian Environmental	L05641	Amarillo	03	01/24/07
Throughout Tx	Texas Department of Transportation Construction Division	L00197	Austin	125	01/25/07
Throughout Tx	Applied Standards Inspection	L03072	Beaumont	98	01/18/07
Throughout Tx	Gulf Coast Weld Spec	L05426	Beaumont	52	01/24/07
Throughout Tx	Luling Perforators Inc	L05870	Buda	01	01/25/07
Throughout Tx	National Inspection Services LLC	L05930	Crowley	10	01/25/07
Throughout Tx	Alliance Geotechnical Group Inc	L05314	Dallas	11	01/16/07
Throughout Tx	GME Consulting Services Inc	L05128	Dallas	05	01/19/07
Throughout Tx	Numed Diagnostic Imaging	L02129	Denton	59	01/22/07
Throughout Tx	Biotech Pharmacy Incorporated	L05335	El Paso	13	01/25/07
Throughout Tx	Cemex El Paso Inc	L04021	El Paso	14	01/16/07
Throughout Tx	Encon International Inc	L04528	El Paso	12	01/12/07
Throughout Tx	Mactec Engineering and Consulting Inc	L05490	Fort Worth	08	01/19/07
Throughout Tx	Peachtree Construction Co	L05401	Fort Worth	07	01/22/07
Throughout Tx	Weatherford US LP	L05291	Fort Worth	14	01/22/07
Throughout Tx	ALMAC LLC	L05721	Friendswood	03	01/11/07
Throughout Tx	Superior Production Logging Inc DBA SPL Wireline Services	L01983	Granbury	40	01/18/07
Throughout Tx	Texas QA Services Inc	L04601	Grand Prairie	21	01/19/07
Throughout Tx	W W Webber LLC	L04904	Hillsboro	11	01/16/07
Throughout Tx	Aitec USA Investments Inc DBA Aitec USA Inc and Weldsonix Inc	L05718	Houston	26	01/23/07
Throughout Tx	Atser Corporation	L04741	Houston	26	01/22/07
Throughout Tx	Aviles Engineering Corporation	L03016	Houston	22	01/23/07
Throughout Tx	H & G Inspection Company Inc ADBA Statewide Maintenance Company	L02181	Houston	214	01/12/07
Throughout Tx	Kenneth E Tand and Associates Inc	L05137	Houston	06	01/22/07
Throughout Tx	Metco	L03018	Houston	166	01/24/07
Throughout Tx	Monitoring Services	L04501	Houston	10	01/11/07
Throughout Tx	Professional Service Industries Inc	L00203	Houston	121	01/23/07

AMENDMENTS TO EXISTING LICENSES ISSUED: (CONTINUED)

Location	Name	License #	City	Amendment #	Date of Action
Throughout Tx	Williams Brothers Construction Company Inc	L04823	Houston	06	01/12/07
Throughout Tx	Acuren Inspection Inc	L01774	La Porte	227	01/19/07
Throughout Tx	Hi Tech Testing Services Inc	L05021	Longview	62	01/26/07
Throughout Tx	House Engineering and Construction Inc	L04702	Longview	16	01/23/07
Throughout Tx	Spectro Analytical Instruments Inc	L02788	Marble Falls	46	01/19/07
Throughout Tx	Enertech Wireline Services LP	L05738	Midland	10	01/22/07
Throughout Tx	Sonic Surveys Inc	L02622	Mont Belvieu	22	01/25/07
Throughout Tx	Desert Industrial X-Ray LP	L04590	Odessa	58	01/24/07
Throughout Tx	Environmental Lab of Texas Inc	L05499	Odessa	04	01/22/07
Throughout Tx	Kelly Pipe Inspection Inc	L05120	Odessa	03	01/11/07
Throughout Tx	Link Field Services Inc	L05383	Olden	18	01/12/07
Throughout Tx	T C Inspection Inc	L05833	Oyster Creek	18	01/25/07
Throughout Tx	NDS Products Inc	L00991	Pasadena	43	01/25/07
Throughout Tx	Midwest Inspection Services	L03120	Perryton	97	01/18/06
Throughout Tx	Royal Wireline Inc	L03110	Riviera	26	01/22/07
Throughout Tx	GCT Inspection Inc	L02378	South Houston	96	01/16/07
Throughout Tx	Schlumberger Technology Corporation	L00764	Sugar Land	99	01/16/07
Throughout Tx	Schlumberger Technology Corporation	L01833	Sugar Land	137	01/24/07
Throughout Tx	Schlumberger Technology Corporation	L00764	Sugar Land	100	01/23/07
Throughout Tx	NRG Texas LP	L02063	Thompsons	67	01/23/07
Tyler	Delek Refining LTD	L02289	Tyler	16	01/18/07
Waco	Baylor University	L00343	Waco	20	01/25/07
Weatherford	Weatherford Texas Hospital Company LLC DBA Weatherford Regional Medical Center	L02973	Weatherford	18	01/24/07
Webster	CHCA Clear Lake LP DBA Clear Lake Regional Medical Center	L01680	Webster	72	01/25/07

RENEWAL OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Cuero	Cuero Community Hospital	L02448	Cuero	23	01/30/07
Gainesville	Gainesville Hospital District DBA North Texas Medical Center	L02585	Gainesville	28	01/29/07
Houston	CHCA East Houston LP DBA East Houston Regional Medical Center	L03306	Houston	25	01/12/07
Point Comfort	Formosa Plastics Corporation – Texas	L03893	Point Comfort	36	01/24/07
San Antonio	VHS San Antonio Partners LP DBA Baptist Health System	L00455	San Antonio	158	01/30/07
Temple	Specialty Pharmacy Services Inc	L04883	Temple	25	01/23/07
Throughout Tx	Arias & Associates Inc	L04964	San Antonio	25	01/16/07

TERMINATIONS OF LICENSES ISSUED:

Location	Name	License #	City	Amendment #	Date of Action
Round Rock	Wheeler Coatings Asphalt Inc	L05059	Round Rock	07	01/29/07

In issuing new licenses, amending and renewing existing licenses, or approving license exemptions, the Department of State Health Services (department), Radiation Safety Licensing Branch, has determined that the applicant has complied with the applicable provisions of Title 25 Texas Administrative Code (TAC) Chapter 289 regarding radiation control. In granting termination of licenses, the department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC Chapter 289. In denying the application for a license, license renewal or license amendment, the department has determined that the applicant has not met the applicable requirements of 25 TAC Chapter 289.

This notice affords the opportunity for a hearing on written request of a person affected within 30 days of the date of publication of this notice. A person affected is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. A person affected may request a hearing by writing Richard A. Ratliff, Radiation Program Officer, Department of State Health Services, 1100 West 49<sup>th</sup> Street, Austin, Texas 78756-3189. For information call (512) 834-6688.

TRD-200700362  
Cathy Campbell  
General Counsel  
Department of State Health Services  
Filed: February 7, 2007



#### Notice of Agreed Orders

Notice is hereby given that the Department of State Health Services (department) issued an Agreed Order to the following registrants:

Memorial Chiropractic Clinic (Registration #R02405) of Houston. A total penalty of \$1,000 shall be paid by registrant for violations of 25 Texas Administrative Code, Chapter 289. The registrant shall also comply with additional settlement agreement requirements.

Eduardo Bautista, dba Brownsville Radiologic Services (Registration #R27982) of Brownsville. A total penalty of \$4,000 shall be paid by registrant for violations of 25 Texas Administrative Code, Chapter 289. The registrant shall also comply with additional settlement agreement requirements.

South Shore Animal Hospital, dba Safari Animal Clinic (Registration #R30387) of League City. A total penalty of \$1,000 shall be paid by registrant for violations of 25 Texas Administrative Code, Chapter 289. The registrant shall also comply with additional settlement agreement requirements.

William D. Davies, DDS (Registration #R16074) of Pasadena. A total penalty of \$1,000 shall be paid by registration for violations of 25 Texas Administrative Code, Chapter 289. The registrant shall also comply with additional settlement agreement requirements.

Jack B. Walker, DDS (Registration #R20194) of Kemah. A total penalty of \$1,500 shall be paid by registrant for violations of 25 Texas Administrative Code, Chapter 289. The registrant shall also comply with additional settlement agreement requirements.

A copy of all relevant material is available, by appointment, for public inspection at the Department of State Health Services, Exchange Building, 8407 Wall Street, Austin, Texas, telephone (512) 834-6688, press "1" and, press "0," Monday-Friday, 8:00 a.m. to 5:00 p.m. (except holidays).

TRD-200700363  
Cathy Campbell  
General Counsel  
Department of State Health Services  
Filed: February 7, 2007



### Texas Health and Human Services Commission

#### Public Notice - 07-001

The Texas Health and Human Services Commission announces its intent to submit Amendment Number 760, Transmittal Number 07-001 to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed effective date for the amendment is February 17, 2007.

The purpose of this amendment is to add customized power wheelchairs for Medicaid-eligible recipients residing in nursing facilities as a covered service under the state plan. The amendment describes the criteria for requesting the wheelchairs and the reimbursement methodology.

The amendment is estimated to result in annual aggregate increased costs of approximately \$2,528,453.00 for federal fiscal year 2007, of which approximately \$1,536,794.00 is federal funds and \$991,569.00 is state general revenue.

For additional information and copies of the proposed amendment, interested parties may contact Jessica Allison by mail at Policy Development, Medicaid and CHIP Division, Health and Human Services Commission, 1100 West 49th Street, MC- H630, Austin, Texas 78758-3160; by telephone at (512) 491-1841; or by e-mail at [jessica.allison@hpsc.state.tx.us](mailto:jessica.allison@hpsc.state.tx.us). Copies of the amendment will also be made available for public review at the local offices of the Department of Aging and Disability Services.

TRD-200700356  
Steve Aragón  
Chief Counsel  
Texas Health and Human Services Commission  
Filed: February 7, 2007



#### Public Notice - 07-002

The Texas Health and Human Services Commission announces its intent to submit Amendment Number 761, Transmittal Number 07-002, to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The amendment is being submitted in order to supplement the language in the approved state plan regarding the current hospital reimbursement methodology for the Medicaid Primary Care Case Management (PCCM) program. The current reimbursement methodology allows the Texas Claims Administrator to apply a negotiated discounted hospital rate for PCCM inpatient services. The effective date of the proposed amendment is March 1, 2007.

The amendment to the language in the state plan is estimated to have no impact on the current rates and no fiscal impact to the State.

Interested parties may obtain copies of the proposed amendment or submit written comments on the proposal by contacting Patricia Aranda, Program Specialist, by mail at Texas Health and Human Services Commission, P.O. Box 85200, H-600, Austin, Texas 78708-5200; by telephone at (512) 491-1333; by facsimile at (512) 491-1972; or by e-mail at [patricia.aranda@hpsc.state.tx.us](mailto:patricia.aranda@hpsc.state.tx.us). Copies of the proposal will also be made available for public review at the local offices of the Texas Department of Aging and Disability Services.

TRD-200700364  
Steve Aragón  
Chief Counsel  
Texas Health and Human Services Commission  
Filed: February 7, 2007



**Public Notice - Integrated Care Management (ICM) Program 1915(b) and 1915(c) Waivers**

The Texas Health and Human Services Commission (HHSC) announces its intent to submit the Integrated Care Management (ICM) Program 1915(b) and 1915(c) waivers to the Texas State Plan for Medical Assistance, under Title XIX of the Social Security Act. The proposed implementation date of the ICM Program is July 1, 2007.

The ICM Program is a non-capitated managed care approach to ensure proper utilization and integration of acute care and long-term services and supports. Medicaid clients in the ICM Program receive health care services through primary care providers (PCPs)- doctors, health centers, clinics, specially trained nurses, or hospitals. In addition to acute care, the ICM Program includes the following long-term services and supports for ICM waiver participants: adaptive aids, adult foster care, assisted living, dental, emergency response services, home-delivered meals, medical supplies, minor home modifications, out-of-home respite, in-home respite, personal assistance services, skilled nursing, therapy services, and transition assistance services. The ICM Program also provides options for consumer direction in care coordination.

The ICM Program will be implemented in the Dallas Service Area (Collin, Dallas, Ellis, Hunt, Kaufman, Navarro, and Rockwall counties) and the Tarrant Service Area (Denton, Hood, Johnson, Parker, Tarrant, and Wise counties).

The proposed waiver is estimated to result in cost savings of approximately \$5.19 million for the waiver period of September 1, 2007, through June 30, 2009, with savings of approximately \$3.14 million in federal funds and \$2.05 million in state general revenue.

To obtain copies of the proposed waiver amendments, interested parties may contact Betsy Johnson by mail at Texas Health and Human Services Commission, P.O. Box 85200, mail code H-620, Austin, Texas 78708-5200; by telephone at (512) 491-1199; by fax at (512) 491-1953; or by e-mail at [betsy.johnson@hhsc.state.tx.us](mailto:betsy.johnson@hhsc.state.tx.us).

TRD-200700355

Steve Aragón

Chief Counsel

Texas Health and Human Services Commission

Filed: February 7, 2007

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**Public Utility Commission of Texas**

**Notice of Application for Amendment to Certificated Service Area Boundary**

Notice is given to the public of an application filed on January 30, 2007, with the Public Utility Commission of Texas, for an amendment to a certificated service area boundary.

Docket Style and Number: Application of AT&T Texas to Amend Certificate of Convenience and Necessity to Modify the Service Area Boundaries between the McKinney and Allen Exchanges. Docket Number 33822.

The Application: The proposed boundary amendment is being filed to transfer a portion of the McKinney exchange to the Allen exchange, and to correct a previous revision between the McKinney and Allen exchange.

Persons wishing to comment on the action sought or intervene should contact the Public Utility Commission of Texas by February 23, 2007, by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at 1-888-782-8477. Hearing and speech-

impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or use Relay Texas (toll-free) 1-800-735-2989. All comments should reference Docket Number 33822.

TRD-200700288

Adriana A. Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: February 1, 2007

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**Notice of Application for Amendment to Service Provider Certificate of Operating Authority**

On January 29, 2007, Sage Telecom of Texas, LP filed an application with the Public Utility Commission of Texas (commission) to amend its service provider certificate of operating authority (SPCOA) granted in SPCOA Certificate Number 60160. Applicant intends to reflect a change in ownership/control.

The Application: Application of Sage Telecom of Texas, LP for an Amendment to its Service Provider Certificate of Operating Authority, Docket Number 33821.

Persons wishing to 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 1-888-782-8477 no later than February 21, 2007. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 33821.

TRD-200700287

Adriana A. Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: February 1, 2007

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**Notice of Application for Relinquishment of a Service Provider Certificate of Operating Authority**

On January 29, 2007, Commserv filed an application with the Public Utility Commission of Texas (commission) to amend its service provider certificate of operating authority (SPCOA) granted in SPCOA Certificate Number 60283. Applicant intends to relinquish its certificate.

The Application: Application of Commserv to Relinquish its Service Provider Certificate of Operating Authority, Docket Number 33819.

Persons wishing to 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 1-888-782-8477 no later than February 21, 2007. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 33819.

TRD-200700286

Adriana A. Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: February 1, 2007

Notice of Application to Amend a Certificate of Convenience and Necessity for a Proposed Transmission Line in Johnson and Hood Counties, Texas

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) an application on January 30, 2007, to amend a certificate of convenience and necessity for a proposed transmission line in Johnson and Hood Counties, Texas.

Docket Style and Number: Application of Brazos Electric Power Cooperative, Inc. to Amend a Certificate of Convenience and Necessity (CCN) for a Proposed Transmission Line in Johnson and Hood Counties, Texas. Docket Number 33800.

The Application: The proposed project is designated as the Wildcat Transmission Line Project. Brazos Electric Power Cooperative, Inc. proposes to design and construct a new substation and 138-kV transmission line. The purpose of the proposed project is to increase reliability and provide for load growth within an area north-northwest of the City of Godley, Johnson County, Texas. The miles of right-of-way for this project will be approximately 8.75 miles. The estimated date to energize facilities is July 16, 2008.

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 1-888-782-8477. The deadline for intervention in this proceeding is March 17, 2007. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or use Relay Texas (toll-free) 1-800-735-2989. All comments should reference Docket Number 33800.

TRD-200700285  
Adriana A. Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: February 1, 2007



Notice of Application to Amend Certificated Service Area Boundaries in Parmer County, Texas

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of an application filed on February 1, 2007, for an amendment to certificated service area boundaries for a service area exception within Parmer County, Texas.

Docket Style and Number: Application of Southwestern Public Service Company an Xcel Energy Company for an Amendment to its Certificate of Convenience and Necessity for an Electric Service Area Exception. Docket Number 33834.

The Application: Southwestern Public Service Company (SPS) seeks to provide service to a specific customer located within the certificated service area of Deaf Smith Electric Cooperative, Inc. (DSEC). The customer has requested service from SPS, and DSEC is in full agreement with the service area exception.

Persons wishing to comment on the action sought or intervene should contact the Public Utility Commission of Texas no later than February 23, 2007 by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at 1-888-782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission at (512) 936-7136 or use Relay Texas (toll-free) 1-800-735-2989. All comments should reference Docket Number 33834.

TRD-200700334

Adriana A. Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: February 6, 2007



Notice of Petition for Waiver of Denial of Request for Additional Resources

Notice is given to the public of the filing with the Public Utility Commission of Texas of a petition on January 31, 2007, for waiver of denial by the North American Numbering Plan Administration (NANPA) Pooling Administrator (PA) of Consolidated Communications of Texas Company request for one full NXX in its Conroe, Texas exchange.

Docket Title and Number: Petition of Consolidated Communications of Texas Company for Waiver of Neustar, Inc. Denial of Number Block Request. Docket Number 33824.

The Application: Consolidated Communications of Texas Company does not have the blocks of sequential numbers available within the Conroe Central Office to satisfy the customer's request.

Persons who wish to comment upon 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 1-888-782-8477 no later than February 21, 2007. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 33824.

TRD-200700297  
Adriana A. Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: February 2, 2007



Notice of Petition for Waiver of Denial of Request for Additional Resources

Notice is given to the public of the filing with the Public Utility Commission of Texas (commission) of a petition on February 5, 2007, for waiver of denial by the North American Numbering Plan Administration (NANPA) Pooling Administrator (PA) of 1stel, Inc.'s request for a 1,000 number block for Granbury, Texas.

Docket Title and Number: Petition of 1stel, Inc. for 1,000 block of Numbers for Granbury, Texas. Docket Number 33839.

The Application: 1stel, Inc. does not have numbering resources that are coded for a metro calling scope to meet the customers' request.

Persons who wish to comment upon 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 1-888-782-8477 no later than February 22, 2007. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136 or toll free at 1-800-735-2989. All comments should reference Docket Number 33839.

TRD-200700335  
Adriana A. Gonzales  
Rules Coordinator  
Public Utility Commission of Texas  
Filed: February 6, 2007



## Texas Residential Construction Commission

### Notice of Application for Designation as a "Texas Star Builder"

The commission adopted rules regarding the procedures for designation as a "Texas Star Builder" at 10 TAC §303.300. The rules were adopted pursuant to §416.011, Property Code (Act effective Sept. 1, 2003), which provides that the commission shall establish rules and procedures through which a builder can be designated as a "Texas Star Builder." The commission rules for application for designation can be found on the commission's website at [www.trcc.state.tx.us](http://www.trcc.state.tx.us).

10 TAC §303.300(i)(2) requires the commission to publish in the *Texas Register* notice of the application of each person seeking to become designated as a "Texas Star Builder" registered under this subchapter. The commission will accept public comment on each application for twenty-one (21) days after the date of publication of the notice. Information provided in response to this notice will be utilized in evaluating the applicants for approval. The Texas Star Builder designation requires that a builder or remodeler demonstrate that its education, experience and commitment to professionalism sets the builder or remodeler apart from its peers and offers some assurance to its customers that its quality of service and construction will be above average.

Pursuant to 10 TAC §303.300(i)(2) the commission hereby notices the application for designation as a "Texas Star Builder" of:

Ron Connally Construction, Inc., 8950 Soncy, Suite 100, Amarillo, Texas 79119; TRCC builder registration certificate #1055; and the registered agent is Ron Connally.

Interested persons may send written comments regarding this application to Susan K. Durso, General Counsel, The Texas Residential Construction Commission, P.O. Box 13144, Austin, TX 78711-3144. Comments regarding this application will be accepted for twenty-one days following the date of publication of this notice in the *Texas Register*. Thereafter, the comments will not be considered as timely filed.

TRD-200700353

Susan K. Durso

General Counsel

Texas Residential Construction Commission

Filed: February 7, 2007



## Texas Department of Transportation

### Notice of Intent - Environmental Impact Statement

Pursuant to 43 TAC §2.5(e)(2), the Texas Department of Transportation (TxDOT) is issuing a Notice of Intent (NOI) to advise the public that an Environmental Impact Statement (EIS) will be prepared for the proposed extension of State Highway (SH) 201 from SH 195 to IH 35 in Bell County, Texas. Note: This project is listed in the Killeen - Temple Urban Transportation Study (K-TUTS) 2030 Project Rankings (long-range transportation plan) as "SH 201 Extension, Construct 2 lane divided roadway." The project length is approximately 17 miles. Areas within the cities of Killeen, Harker Heights, Belton, and Salado are included in the study. The project is being developed in cooperation with the Federal Highway Administration.

The proposed roadway is listed in the Mobility 2030 Metropolitan Transportation Plan, developed by the K-TUTS for the region over the next 25 years. The SH 201 extension is considered necessary to alleviate congestion on US 190, improve traffic flow in southern Bell

County, and provide direct access to the Killeen-Fort Hood Regional Airport. The EIS will evaluate a range of alternatives, including the proposed action and the alternative of no action.

Opportunities for public involvement exist during scoping and public review of the draft EIS (DEIS). Two early scoping meetings will be held to determine the scope of environmental issues and alternatives to be addressed in the DEIS. The scoping meetings are an opportunity for participating agencies, cooperating agencies, and the public to be involved in defining the need and purpose for the proposed project, and to assist in determining the range of alternatives for consideration in the DEIS. The public scoping meetings are scheduled as follows.

Monday, March 26, 2007: Killeen Civic and Convention Center and Visitors Bureau located at 3601 South WS Young Drive, Killeen, Texas 76543 at 6:30 pm

Tuesday, March 27, 2007: Salado Intermediate School located at 550 Thomas Arnold Road, Salado, Texas 76571 at 6:30 pm.

All interested citizens are encouraged to attend these meetings. Maps of the study area will be displayed at each meeting. This will be the first in a series of meetings to involve the public in preparing the EIS.

The EIS will evaluate potential impacts from construction and operation of the proposed roadway including, but not limited to, the following: transportation impacts (construction detours, construction traffic, and mobility improvement), air quality, and noise impacts from construction equipment and operation of the facilities, water quality impacts from construction area and roadway storm water runoff, impacts to waters of the United States including wetlands from right-of-way encroachment, impacts to historic and archeological resources, impacts to floodplains, and impacts and/or potential displacements to residents and businesses, land use, vegetation, wildlife, aesthetic and visual resources, socioeconomic resources, and cumulative impacts. TxDOT has not identified any known or potential impacts on the human environment.

The following federal permits and approvals may be required: United States Army Corps of Engineers (USACE) Section 404; Section 401 Water Quality Certification; National Pollutant Discharge Elimination System (NPDES); Section 4(f) of the Department of Transportation Act of 1966; United States Fish and Wildlife Service (USFWS) Section 7 Consultation.

Letters describing the proposed action and soliciting comments will be sent to appropriate federal, state, and local agencies, and private organizations and citizens who have previously expressed or are known to have interest in this proposal. To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to Henry R. (Reggie) Richardson Jr., P.E., Director, Transportation Planning and Development, Texas Department of Transportation, Waco District, 100 S. Loop Drive, Waco, Texas 76704; phone (254) 867-2730.

TRD-200700312

Bob Jackson

General Counsel

Texas Department of Transportation

Filed: February 5, 2007



### How to Use the Texas Register

**Information Available:** The 14 sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

**Governor** - Appointments, executive orders, and proclamations.

**Attorney General** - summaries of requests for opinions, opinions, and open records decisions.

**Secretary of State** - opinions based on the election laws.

**Texas Ethics Commission** - summaries of requests for opinions and opinions.

**Emergency Rules**- sections adopted by state agencies on an emergency basis.

**Proposed Rules** - sections proposed for adoption.

**Withdrawn Rules** - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

**Adopted Rules** - sections adopted following public comment period.

**Texas Department of Insurance Exempt Filings** - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

**Texas Department of Banking** - opinions and exempt rules filed by the Texas Department of Banking.

**Tables and Graphics** - graphic material from the proposed, emergency and adopted sections.

**Transferred Rules**- notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

**In Addition** - miscellaneous information required to be published by statute or provided as a public service.

**Review of Agency Rules** - notices of state agency rules review.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

**How to Cite:** Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 30 (2005) is cited as follows: 30 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "30 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 30 TexReg 3."

**How to Research:** The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, Room 245, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code*, section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online through the Internet. The address is: <http://www.sos.state.tx.us>. The *Register* is available in an .html

version as well as a .pdf (portable document format) version through the Internet. For website subscription information, call the Texas Register at (800) 226-7199.

### Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete TAC is available through the Secretary of State's website at <http://www.sos.state.tx.us/tac>. The following companies also provide complete copies of the TAC: Lexis-Nexis (1-800-356-6548), and West Publishing Company (1-800-328-9352).

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

**How to Cite:** Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §27.15: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; TAC stands for the *Texas Administrative Code*; §27.15 is the section number of the rule (27 indicates that the section is under Chapter 27 of Title 1; 15 represents the individual section within the chapter).

**How to update:** To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Table of TAC Titles Affected*. The table is published cumulatively in the blue-cover quarterly indexes to the *Texas Register* (January 21, April 15, July 8, and October 7, 2005). If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with one or more *Texas Register* page numbers, as shown in the following example.

TITLE 40. SOCIAL SERVICES AND ASSISTANCE

*Part I. Texas Department of Human Services*

40 TAC §3.704.....950, 1820

The *Table of TAC Titles Affected* is cumulative for each volume of the *Texas Register* (calendar year).