

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.

Office of the Attorney General

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 Water Code and Texas Health and Safety Code. Before the State may settle a judicial enforcement action under the Texas 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: *Harris County, Texas and the State of Texas v. Gulbrandsen Technologies, Inc.*, Cause No. 2016-80516; in the 270th Judicial District Court, Harris County, Texas.

Nature of suit and Defendant's operations: Defendant Gulbrandsen Technologies, Inc. ("Defendant") operates a chemical production facility in La Porte, Harris County. The facility manufactures chemicals used in the pharmaceutical, agricultural, cosmetic, and petrochemical industries. On April 12, 2014, Defendant spilled 400 gallons of a chemical solution containing aluminum chloride and hydrochloric acid on the ground, discharging a cloud of air contaminants. In addition, in November 2015, investigators with the Harris County Pollution Control Services Department ("HCPCSD") documented that Defendant discharged waste to the ground, which contaminated storm water runoff and impacted neighboring properties.

Proposed Agreed Final Judgment: The proposed Agreed Final Judgment and Permanent Injunction ("Judgment") requires Defendant to obtain a stormwater discharge permit for the facility, monitor and notify HCPCSD of all scheduled discharges of stormwater from the facility, and notify Harris County of any air release from the facility's glass-lined reactors that has potential to cause a nuisance. The Judgment awards civil penalties against Defendant in the amount of \$83,500, which will be divided equally between the State and Harris County; of this amount, \$24,000 will be deferred upon the Defendant's full compliance with the injunction. The Judgment awards the State its reasonable attorney's fees in the amount of \$5,000.

For a complete description of the proposed settlement, the complete Judgment should be reviewed. Requests for copies of the Judgment, and written comments on the proposed settlement, should be directed to David A. Terry, Assistant Attorney General, Office of the Texas Attorney General, P.O. Box 12548, MC 066, Austin, Texas 78711-2548; phone (512) 463-2012; facsimile (512) 320-0911. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-201800065
Amanda Crawford
General Counsel
Office of the Attorney General
Filed: January 10, 2018



Comptroller of Public Accounts

Certification of the Average Closing Price of Gas and Oil

The Comptroller of Public Accounts, administering agency for the collection of the Oil Production Tax, has determined, as required by Tax Code, §202.058, that the average taxable price of oil for reporting period December 2017 is \$38.69 per barrel for the three-month period beginning on September 1, 2017, and ending November 30, 2017. Therefore, pursuant to Tax Code, §202.058, oil produced during the month of December 2017, from a qualified low-producing oil lease, is not eligible for a credit on the 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, as required by Tax Code, §201.059, that the average taxable price of gas for reporting period December 2017 is \$2.28 per mcf for the three-month period beginning on September 1, 2017, and ending November 30, 2017. Therefore, pursuant to Tax Code, §201.059, gas produced during the month of December 2017, from a qualified low-producing well, is eligible for a 100% credit on the natural gas production tax imposed by Tax Code, Chapter 201.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of West Texas Intermediate crude oil for the month of December 2017 is \$57.95 per barrel. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall not exclude total revenue received from oil produced during the month of December 2017 from a qualified low-producing oil well.

The Comptroller of Public Accounts, administering agency for the collection of the Franchise Tax, has determined, as required by Tax Code, §171.1011(s), that the average closing price of gas for the month of December 2017 is \$2.78 per MMBtu. Therefore, pursuant to Tax Code, §171.1011(r), a taxable entity shall exclude total revenue received from gas produced during the month of December 2017 from a qualified low-producing gas well.

Inquiries should be submitted to Teresa G. Bostick, Director, Tax Policy Division, P.O. Box 13528, Austin, Texas 78711-3528.

TRD-201800063
Lita Gonzalez
General Counsel
Comptroller of Public Accounts
Filed: January 9, 2018



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 01/15/18 - 01/21/18 is 18% for Consumer¹/Agricultural/Commercial² credit through \$250,000.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 01/15/18 - 01/21/18 is 18% for Commercial over \$250,000.

¹ Credit for personal, family or household use.

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

TRD-201800061

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: January 9, 2018

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is February 20, 2018. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at P.O. Box 13087, Austin, Texas 78711-3087 and must be received by 5:00 p.m. on February 20, 2018. Written comments may also be sent by facsimile machine to the enforcement coordinator at (512) 239-2550. The commission's enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: Alfonso Ramirez Gonzalez dba Ramdi Trucking; DOCKET NUMBER: 2016-1869-MSW-E; IDENTIFIER: RN109263343; LOCATION: Jonesboro, Hamilton County; TYPE OF FACILITY: tractor trailer; RULE VIOLATED: 30 TAC §327.5(a), by failing to immediately abate and contain a spill or discharge and failing to begin reasonable response actions; PENALTY: \$1,312; ENFORCEMENT COORDINATOR: John Fennell, (512) 239-2616; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(2) COMPANY: Bell County Water Control and Improvement District Number 2; DOCKET NUMBER: 2017-1495-MWD-E; IDENTIFIER:

RN101610491; LOCATION: Little River, Bell County; TYPE OF FACILITY: wastewater treatment facility; RULES VIOLATED: TWC, §26.121(a)(1), 30 TAC §305.125(1), and Texas Pollutant Discharge Elimination System Permit Number WQ0011090001, Final Effluent Limitations and Monitoring Requirements Number 1, by failing to comply with permitted effluent limitations; PENALTY: \$12,375; ENFORCEMENT COORDINATOR: Larry Butler, (512) 239-2543; REGIONAL OFFICE: 6801 Sanger Avenue, Suite 2500, Waco, Texas 76710-7826, (254) 751-0335.

(3) COMPANY: City of Benjamin; DOCKET NUMBER: 2017-1089-PWS-E; IDENTIFIER: RN101390169; LOCATION: Benjamin, Knox County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.122(c)(2)(A) and (f), by failing to provide public notification and submit a copy of the notification to the executive director regarding the failure to submit a Disinfectant Level Quarterly Operating Report; and 30 TAC §290.106(f)(2) and Texas Health and Safety Code, §341.031(a), by failing to comply with the acute maximum contaminant level of 10 milligrams per liter for nitrate; PENALTY: \$350; ENFORCEMENT COORDINATOR: Steven Hall, (512) 239-2569; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(4) COMPANY: City of Fort Worth; DOCKET NUMBER: 2017-1438-WQ-E; IDENTIFIER: RN101424687; LOCATION: Fort Worth, Tarrant County; TYPE OF FACILITY: public water system; RULE VIOLATED: TWC, §26.121(a)(2), by failing to prevent an unauthorized discharge of pollutants into or adjacent to any water in the state; PENALTY: \$7,500; ENFORCEMENT COORDINATOR: Steven Van Landingham, (512) 239-4935; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(5) COMPANY: City of Vega; DOCKET NUMBER: 2017-1434-PWS-E; IDENTIFIER: RN101203628; LOCATION: Vega, Oldham County; TYPE OF FACILITY: public water system; RULES VIOLATED: 30 TAC §290.117(c)(2)(A), (h), and (i)(1), by failing to collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to the executive director (ED) for the January 1, 2017 - June 30, 2017, monitoring period; 30 TAC §290.117(c)(2)(B), (h), and (i)(1) and §290.122(c)(2)(a) and (f), by failing to collect lead and copper tap samples at the required ten samples sites, have the samples analyzed, and report the results to the ED for the January 1, 2016 - December 31, 2016, monitoring period, and failing to provide public notification and submit a copy of the public notification to the ED regarding the failure to collect lead and copper tap samples for the January 1, 2016 - December 31, 2016, monitoring period; and 30 TAC §290.117(c)(2)(C), (h), and (i)(1), by failing to collect lead and copper tap samples at the required ten samples sites, have the samples analyzed, and report the results to the ED for the January 1, 2013 - December 31, 2015, monitoring period; PENALTY: \$472; ENFORCEMENT COORDINATOR: Paige Bond, (512) 239-2678; REGIONAL OFFICE: 3918 Canyon Drive, Amarillo, Texas 79109-4933, (806) 353-9251.

(6) COMPANY: Culebra Phillips Mart, Incorporated dba Culebra Phillips 6; DOCKET NUMBER: 2017-1381-PST-E; IDENTIFIER: RN100712512; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(2) and TWC, §26.3475(a), by failing to provide release detection for the pressurized piping associated with the underground storage tanks; PENALTY: \$2,562; ENFORCEMENT COORDINATOR: Steven Van Landingham, (512) 239-5717; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(7) COMPANY: Flowers Baking Company of Tyler, LLC; DOCKET NUMBER: 2017-1425-AIR-E; IDENTIFIER: RN100218221; LO-

CATION: Tyler, Smith County; TYPE OF FACILITY: bread and bun bakery; RULES VIOLATED: 30 TAC §116.115(b)(2)(F) and (c) and §122.143(4), Texas Health and Safety Code (THSC), §382.085(b), New Source Review Permit Number 22041, Special Conditions Number 1, and Federal Operating Permit (FOP) Number O2759, General Terms and Conditions (GTC) and Special Terms and Conditions Number 4, by failing to comply with the maximum allowable emissions rates; and 30 TAC §122.143(4) and §122.145(2)(A), THSC, §382.085(b), and FOP Number O2759, GTC, by failing to report all instances of deviations; PENALTY: \$23,250; ENFORCEMENT COORDINATOR: Carol McGrath, (210) 403-4063; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, (903) 535-5100.

(8) COMPANY: GANESH FNY INCORPORATED dba Texas Pride N Joy; DOCKET NUMBER: 2017-1323-PST-E; IDENTIFIER: RN105668412; LOCATION: Petrolia, Clay County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and (2) and TWC, §26.3475(a) and (c)(1), by failing to monitor the underground storage tanks (USTs) for releases at a frequency of at least once every month, and failing to provide release detection for the pressurized piping associated with the UST system; PENALTY: \$3,504; ENFORCEMENT COORDINATOR: Carlos Molina, (512) 239-2557; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(9) COMPANY: GTF Energy, LLC dba The Railhead; DOCKET NUMBER: 2016-0626-PWS-E; IDENTIFIER: RN107228397; LOCATION: San Angelo, Tom Green County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.39(j) and Texas Health and Safety Code (THSC), §341.0351, by failing to notify the executive director (ED) prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities; 30 TAC §290.45(c)(1)(B)(iv) and (f)(7) and THSC, §341.0315(c), by failing to provide a pressure tank capacity of ten gallons per unit; 30 TAC §290.45(f)(4) and THSC, §341.0315(c), by failing to provide a water purchase contract that authorizes a maximum daily purchase rate or a uniform purchase rate to meet a minimum production capacity of 0.6 gallon per minute per connection; 30 TAC §290.39(h)(2) and (3), by failing to notify the ED in writing before the start of construction and upon completion of the water works project and attest to the fact that the completed work is substantially in accordance with the plans and change orders on file with the ED; and 30 TAC §290.39(m), by failing to provide written notification to the ED of the startup of a new public water supply system; PENALTY: \$577; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(10) COMPANY: INEOS USA LLC; DOCKET NUMBER: 2017-0736-AIR-E; IDENTIFIER: RN100229905; LOCATION: La Porte, Harris County; TYPE OF FACILITY: polyethylene plant; RULES VIOLATED: 30 TAC §§101.20(1), 115.352(2), and 122.143(4), 40 Code of Federal Regulations §60.482-9(a), Federal Operating Permit Number O1439, Special Terms and Conditions Number 1.A, and Texas Health and Safety Code, §382.085(b), by failing to repair a leaking component by the end of the process unit shutdown; PENALTY: \$45,000; ENFORCEMENT COORDINATOR: Shelby Orme, (512) 239-4575; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(11) COMPANY: IRA WATER SUPPLY CORPORATION; DOCKET NUMBER: 2017-1558-PWS-E; IDENTIFIER: RN101453991; LOCATION: Ira, Scurry County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.117(c)(2)(A), (h), and (i)(1), by failing to collect lead and copper tap samples at the required 20 sample sites, have the samples analyzed, and report the results to

the executive director (ED) for the January 1, 2017 - June 30, 2017, monitoring period; 30 TAC §290.117(c)(2)(B), (h), and (i)(1) and §290.122(c)(2)(A) and (f), by failing to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the ED for the January 1, 2016 - December 31, 2016, monitoring period, and failing to provide public notification and submit a copy of the public notification to the ED regarding the failure to collect lead and copper tap samples for the January 1, 2016 - December 31, 2016, monitoring period; and 30 TAC §290.117(c)(2)(C), (h), and (i)(1) and §290.122(c)(2)(A) and (f), by failing to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the ED for the January 1, 2013 - December 31, 2015, monitoring period, and failing to provide public notification and submit a copy of the public notification to the ED regarding the failure to collect lead and copper tap samples for the January 1, 2013 - December 31, 2015, monitoring period; PENALTY: \$630; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2601; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(12) COMPANY: NORTH VICTORIA UTILITIES, INCORPORATED; DOCKET NUMBER: 2017-1208-PWS-E; IDENTIFIER: RN102673324; LOCATION: Victoria, Victoria County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.46(q)(1), by failing to issue a boil water notification to the customers of the facility within 24 hours of a low disinfectant residual using the prescribed format in 30 TAC §290.46(m); 30 TAC §290.47(c)(1), by failing to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the facility and its equipment; 30 TAC §290.46(d)(2)(A) and §290.110(b)(2) and (4) and Texas Health and Safety Code, §341.0315(c), by failing to maintain a minimum disinfectant residual of 0.2 milligrams per liter free chlorine in the water entering the distribution system and throughout the distribution system at all times; and 30 TAC §290.46(n)(2), by failing to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies; PENALTY: \$1,150; ENFORCEMENT COORDINATOR: Ross Luedtke, (512) 239-3157; REGIONAL OFFICE: 6300 Ocean Drive, Suite 1200, Corpus Christi, Texas 78412-5839, (361) 825-3100.

(13) COMPANY: Phillips 66 Company; DOCKET NUMBER: 2017-1385-AIR-E; IDENTIFIER: RN106603970; LOCATION: Old Ocean, Brazoria County; TYPE OF FACILITY: natural gas liquids fractionation plant; RULES VIOLATED: 30 TAC §122.143(4) and §122.146(2), Texas Health and Safety Code, §382.085(b), and Federal Operating Permit Number O3781, General Terms and Conditions, by failing to submit a permit compliance certification within 30 days after the end of the certification period; PENALTY: \$2,888; ENFORCEMENT COORDINATOR: Robyn Babyak, (512) 239-1853; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(14) COMPANY: Raymond W. Blair, Jr. dba Last Resort Properties; DOCKET NUMBER: 2017-1133-PWS-E; IDENTIFIER: RN102689452; LOCATION: Lakewood Village, Denton County; TYPE OF FACILITY: public water supply; RULES VIOLATED: 30 TAC §290.117(c)(2)(B), (h), and (i)(1) and §290.122(c)(2)(A) and (f), by failing to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the executive director (ED) and failing to provide public notification and submit a copy of the public notification to the ED regarding the failure to collect lead and copper tap samples; 30 TAC §290.122(c)(2)(A) and (f), by failing to provide public notification and submit a copy of the public notification to the ED regarding the failure to submit a Disinfectant Level Quarterly Operating Report to the ED each quarter

by the tenth day of the month following the end of the quarter; and 30 TAC §291.76 and TWC, §5.702, by failing to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity Number 12503; PENALTY: \$1,428; ENFORCEMENT COORDINATOR: Jason Fraley, (512) 239-2552; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(15) COMPANY: Shreedevi AA Corporation dba Luckys 7 Discount Store; DOCKET NUMBER: 2017-1322-PST-E; IDENTIFIER: RN102359403; LOCATION: Wichita Falls, Wichita County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks for releases at a frequency of at least once every month; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Claudia Corrales, (432) 620-6138; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

(16) COMPANY: Stanley Haedge dba Kow Castle Dairy; DOCKET NUMBER: 2017-0925-AGR-E; IDENTIFIER: RN102869708; LOCATION: Hico, Erath County; TYPE OF FACILITY: dairy farm; RULES VIOLATED: 30 TAC §321.33(d), by failing to obtain authorization to expand an existing animal feeding operation prior to meeting the definition of a Concentrated Animal Feeding Operation (CAFO) through an individual water quality CAFO general permit; 30 TAC §321.40(k)(3) and §321.42(i)(5)(C), by failing to cease the application of wastewater to a land management unit (LMU) when extractable phosphorus levels were greater than 200 parts per million in zone 1 of an LMU and a Nutrient Utilization Plan had not been developed; and 30 TAC §321.47(f)(19)(B), by failing to maintain crops, vegetation, forage growth, or postharvest residues in the normal growing season, excluding the feed and water trough areas and designated open lots; PENALTY: \$4,663; ENFORCEMENT COORDINATOR: Austin Henck, (512) 239-6155; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

(17) COMPANY: The Chemours Company FC, LLC; DOCKET NUMBER: 2017-0991-AIR-E; IDENTIFIER: RN100216035; LOCATION: Nederland, Jefferson County; TYPE OF FACILITY: chemical manufacturing plant; RULES VIOLATED: 30 TAC §122.143(4) and §122.146(1), Texas Health and Safety Code (THSC), §382.085(b), and Federal Operating Permit (FOP) Number O1961, General Terms and Conditions (GTC) and Special Terms and Conditions (STC) Number 18, by failing to certify compliance with the terms and conditions of the permit for at least each 12-month period following initial permit issuance; 30 TAC §122.143(4) and §122.146(2), THSC, §382.085(b), and FOP Number O1961, GTC and STC Number 18, by failing to submit a Permit Compliance Certification no later than 30 days after the end of the certification period; and 30 TAC §122.143(4) and §122.145(2)(C), THSC, §382.085(b), and FOP Number O1961, GTC, by failing to submit a deviation report no later than 30 days after the end of the reporting period; PENALTY: \$17,889; ENFORCEMENT COORDINATOR: Austin Henck, (512) 239-6155; REGIONAL OFFICE: 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(18) COMPANY: Twin Eagle Sand Logistics, LLC; DOCKET NUMBER: 2017-1519-MLM-E; IDENTIFIER: RN109684670; LOCATION: Laredo, Webb County; TYPE OF FACILITY: mineral processing facility; RULES VIOLATED: 30 TAC §116.110(a) and Texas Health and Safety Code (THSC), §382.0518(a) and §382.085(b), by failing to obtain authorization prior to constructing and operating a source of air emissions; and 30 TAC §281.25(a)(4) and 40 Code of Federal Regulations §122.26(c), by failing to obtain authorization to discharge stormwater associated with industrial activities under Texas

Pollutant Discharge System General Permit Number TXR050000; PENALTY: \$9,875; ENFORCEMENT COORDINATOR: Sandra Douglas, (512) 239-2549; REGIONAL OFFICE: 707 East Calton Road, Suite 304, Laredo, Texas 78041-3887, (956) 791-6611.

(19) COMPANY: WEST AND WEST EXPRESS INCORPORATED dba SNS Express; DOCKET NUMBER: 2017-1445-PST-E; IDENTIFIER: RN102403292; LOCATION: Crockett, Houston County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.72, by failing to report a suspected release of a regulated substance to the TCEQ within 24 hours of discovery; and 30 TAC §334.74, by failing to investigate a suspected release of a regulated substance within 30 days of discovery; PENALTY: \$7,000; ENFORCEMENT COORDINATOR: John Paul Fennell, (512) 239-2616; REGIONAL OFFICE: 3870 Eastex Freeway Beaumont, Texas 77703-1830, (409) 898-3838.

(20) COMPANY: Yasin Mawani dba Dairy Way 3; DOCKET NUMBER: 2017-1240-PST-E; IDENTIFIER: RN102488590; LOCATION: Garland, Dallas County; TYPE OF FACILITY: convenience store with retail sales of gasoline; RULES VIOLATED: 30 TAC §334.50(b)(1)(A) and TWC, §26.3475(c)(1), by failing to monitor the underground storage tanks (USTs) for releases at a frequency of at least once every month; and 30 TAC §334.10(b)(2), by failing to maintain UST records and make them immediately available for inspection upon request by agency personnel; PENALTY: \$4,000; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, (817) 588-5800.

TRD-201800060
Charmaine Backens
Director, Litigation Division
Texas Commission on Environmental Quality
Filed: January 9, 2018



Notice of Opportunity to Request a Public Meeting for Development Permit for Construction Over a Closed Municipal Solid Waste Landfill, Proposed Permit Number 62032

APPLICATION. RI Corpus Property, LP (13647 Montfort Drive, Dallas, Texas 75240) has applied to the Texas Commission on Environmental Quality (TCEQ) for a development permit for construction over a closed municipal solid waste landfill (Proposed Permit No. CP-62032). The proposed development concerns a tract of land of approximately 2.44 acres located at 5214 Oakhurst Drive, Corpus Christi, Texas 78411, and consists of an enclosed four-story hotel, with a total footprint of about 75,573 square feet with associated driveways, parking areas, and supporting utilities. The development permit, if issued, will allow the applicant to build the above-mentioned building over the closed municipal solid waste landfill, and to operate it in accordance with the permit. A copy of the development permit application is available for public viewing at the Corpus Christi Public Library, 805 Comanche, Corpus Christi, Texas 78401 and may be viewed online at the following URL: <http://www.scsengineers.com/state/>. The following link to an electronic map of the site or facility's general location is provided as a public courtesy and is not part of the application or notice. <https://www.tceq.texas.gov/assets/public/hb610/index.html?lat=27.716689&lng=-97.395555&zoom=13&type=r>. For the exact location, please refer to the application.

PUBLIC COMMENT/ PUBLIC MEETING. Written public comments or written requests for a public meeting must be submitted to the Office of Chief Clerk at the address included in the information section below, within 30 days from the date of newspaper publication of this Notice.

A public meeting will be held by the executive director if requested by a member of the legislature who represents the general area where the development to be located, or if there is a substantial public interest in the proposed development. The purpose of the public meeting is for the public to provide input for consideration by the commission, and for the applicant and the commission staff to provide information to the public. A public meeting is not a contested case hearing.

If a public meeting is to be held, a public notice shall be published in a newspaper that is generally circulated in the county in which the proposed development is located. All the individuals on the adjacent landowners list shall also be notified at least 15 days prior to the meeting.

EXECUTIVE DIRECTOR ACTION. The Executive Director will issue his decision to either approve or deny the development permit application approximately 5 days following the public meeting or the ending of public comments period. Notice of decision will be mailed to the owner and to each person that requested notification of the executive director's decision. If an affected person wishes to appeal the Executive Director's decision, they may do so by filing a written Petition for Review with the Chief Clerk of the Commission no later than 10 days after the date on which notice of the decision is mailed to the applicant and to each person who requested notification. Written Petition for Review should include: (1) your name, mailing address and daytime phone number; and (2) the permit number or other recognizable reference to this application.

INFORMATION. Written public comments or requests to be placed on the permanent mailing list for this application should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087 or electronically submitted to <http://www10.tceq.state.tx.us/epic/ecmnts/>. If you choose to communicate with the TCEQ electronically, please be aware that your e-mail address, like your physical mailing address, will become part of the agency's public record. Persons may contact the TCEQ Public Education Program at (800) 687-4040. General information regarding the TCEQ can be found at our web site at www.tceq.state.tx.us. Si desea información en español, puede llamar al (800) 687-4040.

Information about the application may be obtained from RI Corpus Property, L.P., at the address stated above or by calling Mr. Jeff Arrington, Project Manager with SCS Engineers at (817) 358-6111.

TRD-201800075

Bridget Bohac

Chief C. Clerk

Texas Commission on Environmental Quality

Filed: January 10, 2018



Notice of Public Hearing

on Assessment of Administrative Penalties and Requiring Certain Actions of TOVA INC dba Petromart 115

SOAH Docket No. 582-18-1618

TCEQ Docket No. 2016-1695-PST-E

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

10:00 a.m. - February 8, 2018

William P. Clements Building

300 West 15th Street, 4th Floor

Austin, Texas 78701

The purpose of the hearing will be to consider the Executive Director's First Amended Report and Petition mailed June 23, 2017, concerning assessing administrative penalties against and requiring certain actions of TOVA INC dba Petromart 115, for violations in Hardin County, Texas, of: 30 Tex. Admin. Code §334.6(b)(2)(C) and §334.50(d)(9)(A)(iii).

The hearing will allow TOVA INC dba Petromart 115, the Executive Director, and the Commission's Public Interest Counsel to present evidence on whether a violation has occurred, whether an administrative penalty should be assessed, and the amount of such penalty, if any. The first convened session of the hearing will be to establish jurisdiction, afford TOVA INC dba Petromart 115, the Executive Director of the Commission, and the Commission's Public Interest Counsel an opportunity to negotiate and to establish a discovery and procedural schedule for an evidentiary hearing. Unless agreed to by all parties in attendance at the preliminary hearing, an evidentiary hearing will not be held on the date of this preliminary hearing. **Upon failure of TOVA INC dba Petromart 115 to appear at the preliminary hearing or evidentiary hearing, the factual allegations in the notice will be deemed admitted as true, and the relief sought in the notice of hearing may be granted by default. The specific allegations included in the notice are those set forth in the Executive Director's First Amended Report and Petition, attached hereto and incorporated herein for all purposes.** TOVA INC dba Petromart 115, the Executive Director of the Commission, and the Commission's Public Interest Counsel are the only designated parties to this proceeding.

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

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

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

In accordance with 1 Tex. Admin. Code §55.401(a), Notice of Hearing, "Parties that are not represented by an attorney may obtain information regarding contested case hearings on the public website of the State Office of Administrative Hearings at www.soah.texas.gov, or in printed format upon request to SOAH."

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

Issued: January 8, 2018

TRD-201800077
Bridget C. Bohac
Chief Clerk
Texas Commission on Environmental Quality
Filed: January 10, 2018



Notice of Water Quality Application

The following notices were issued on January 2, 2018.

The following does not require publication in a newspaper. Written comments or requests for a public meeting 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 ISSUED DATE OF THE NOTICE.

INFORMATION SECTION

CRYSTAL SPRINGS WATER CO., INC. has applied for a minor amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0014081001 to authorize the addition of an Interim II phase at a daily average flow not to exceed 365,000 gallons per day (gpd). The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 450,000 gpd. The facility is located at 19348 Amy Lane, in Montgomery County, Texas 77365.

If you need more information about these permit applications or the permitting process, please call the TCEQ Public Education Program, Toll Free, at (800) 687-4040. General information about the TCEQ can be found at our web site at www.TCEQ.texas.gov. Si desea información en español, puede llamar al (800) 687-4040.

TRD-201800076
Bridget C. Bohac
Chief Clerk
Texas Commission on Environmental Quality
Filed: January 10, 2018



Department of Family and Protective Services

Criminal History Requirements for Child Care Operations

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure in "Criminal History Requirements for Child Care Operations" is not included in the print version of the Texas Register. The figure is available in the on-line version of the January 19, 2018, issue of the Texas Register.)

Child Care Licensing (CCL) staff are providing an opportunity for written public comment on the proposed three charts and the changes to those three charts listed in subsection (a) of 40 TAC §745.651 (relating to What types of criminal convictions may affect a person's ability to be present at an operation?). The three charts are entitled: (1) Licensed or Certified Child Care Operations: Criminal History Requirements; (2) Foster or Adoptive Placements: Criminal History Requirements; and (3) Registered Child Care Homes and Listed Family Homes: Criminal History Requirements. 40 TAC §745.651 states that the charts will be updated annually and published every January in the Texas Register as an "In Addition" document. The written public comment period will close on the 30th day following publication, which in this case is February 18, 2018. CCL will promptly consider any written comments received, provide a response to the commenter that will also be included on the Licensing public website, and in response to the comments CCL may implement changes to the charts, withdraw changes to the charts,

or alter the charts based on a reasoned justification. If a change to a chart is made, CCL will subsequently re-publish the changed chart in the "In Addition" section of the *Texas Register*.

The changes proposed to the current charts include: (1) adding notation to the charts as a reminder that arrests or charges for an offense listed on the charts may affect a person's ability to be present, as noted in 40 TAC §745.701 (relating to May a person arrested or charged with a crime be present at an operation while children are in care?); (2) renumbering two offenses having Texas Penal Code (TPC) section number 21.16 as the duplicate section numbers were corrected during the 85th Regular Session; (3) adding new offenses that indicate risk that were added to the TPC during the 85th Regular Session; (4) identifying offenses that have been renamed or renumbered as a result of the 85th Regular Session; (5) reducing the period of time action is required for a Class A misdemeanor conviction for TPC 38.02 Failure to Identify based on the level of risk assessed with the offense; (6) expanding the amount of time action is required for a misdemeanor conviction for TPC 42.07 Harassment and adding notation that a conviction for this offense may result in a bar if the conviction is determined to have occurred as a result of violent action by an adult perpetrator against a child victim in accordance with federal regulation in 42 USC 9858f.658H(c)(1)(E); and (7) adding TPC 46.08 Hoax Bombs due to the risk associated with the offense.

Written comments about these changes should be sent to the Centralized Background Check Unit (CBCU) division of CCL, P.O. Box 149030, Mail Code 121-7, Austin, Texas 78714-9030 and must be received by February 18, 2018. Written comments may also be sent by electronic mail to CBCUBackgroundChecks@hpsc.state.tx.us.

TRD-201800069
Karen Ray
Chief Counsel
Department of Family and Protective Services
Filed: January 10, 2018



General Land Office

Notice of Request for Proposal for Financial Management/Internal Auditing Consulting Services

The Texas General Land Office ("GLO") invites consultants to submit proposals to provide consulting services to the GLO's Financial Management division.

The proposed project is to make recommendations to the GLO for efficiency, effectiveness, compliance, and best practices related to its Financial Management division's organization and processes. The consultant will develop findings, conclusions, and recommendations for management's consideration and decisions based on an operational review and improvement study of the GLO's Financial Management division.

The GLO intends to award a single contract for consulting services to review and make recommendations related to the GLO's transaction processing, accounting/reporting (i.e. general ledger activities, journal entries, account reconciliations, financial statements, account analysis, and account research), and budgeting (i.e. grant administration, appropriations, reporting, analysis, and monitoring).

Pursuant to Texas Government Code Chapter 2102 and related rules and the GLO's Internal Audit Charter, the GLO is seeking to contract for consulting services relating to Internal Audit to the GLO's Financial

Management division beginning February 1, 2018, through August 31, 2018.

Persons interested in a copy of the Request for Proposals No. X0013990-DF should contact Debby French, Procurement Division, Texas General Land Office at (800) 998-4456 or (512) 463-5309 or Debby.French@GLO.Texas.Gov to request a copy. The closing date for receipt of proposals is January 31, 2018. The GLO shall award any contract in accordance with the criteria and procedures set out in Request for Proposals No. X0013990-DF. The date of award is anticipated to be on or before February 19, 2018.

Further information may be obtained by contacting Kelly McBride, Texas General Land Office, 1700 N. Congress Avenue, Austin, Texas 78701-1495, telephone (512) 305-9108.

TRD-201800073

Mark A. Havens

Chief Clerk, Deputy Land Commissioner

General Land Office

Filed: January 10, 2018

Office of the Governor

Notice of Funding Opportunities

The Homeland Security Grants Division (HSGD) is announcing the following grant funding opportunities for Fiscal Year 2019. Please access the Office of the Governor's eGrants system at <https://eGrants.gov.texas.gov> and click on CALENDAR to view the funding announcements and application due dates for all available grant programs:

2019 Local Border Security Program (LBSP)

2019 Border Prosecution Unit (BPU)

TRD-201800070

Aimee Snoddy

Executive Director

Office of the Governor

Filed: January 10, 2018

Grimes County

Request for Comments Regarding Additional Medicaid Beds in Grimes County

Section 32.0244 of the Texas Human Resources Code permits a County Commissioners Court of a county with no more than two (2) nursing homes to request that the Texas Health and Human Services Commission (HHSC) contract for additional Medicaid nursing facility beds in that county. This may be done without regard to the occupancy rate of available beds in the county.

The Commissioners Court of Grimes County is considering requesting that HHSC contract for more Medicaid nursing facility beds in Grimes County. The Commissioners Court is soliciting comments on whether the request should be made. Further, the Commissioners Court seeks proposals from persons interested in providing additional Medicaid beds in Grimes County, including persons providing Medicaid beds in a nursing facility with a high occupancy rate, to determine if qualified entities are interested in submitting proposals to provide these additional Medicaid nursing facility beds.

Comments and proposals for the Texas Health and Human Services Commission to contract for additional Medicaid beds in Grimes County

should be presented to the Commissioners Court of Grimes County, Texas in a special session Wednesday, January 31, 2018, at 9:00 a.m. in the Grimes County Annex Building, 114 West Buffington Avenue, Anderson, Texas 77830.

TRD-201800058

Judge Joe Fauth III

County Judge

Grimes County

Filed: January 8, 2018

Texas Higher Education Coordinating Board

Request for Proposals - Financial Advisory Services for Student Loan Program

RFP Number 781-8-19618

The Texas Higher Education Coordinating Board (THECB) is seeking Request for Proposals from qualified respondents to establish a contract for Financial Advisory Services, in accordance with the requirements contained in this Request for Proposals (RFP). The Financial Advisory Services provide support for the student loan and related bond program.

Scope of Work:

The financial advisor shall be responsible for all duties and services necessary to facilitate the issuance of bonds and other debt obligations by the Board. The financial advisor shall be responsible for all required calculations including a calculation of arbitrage yield, arbitrage liability and yield restriction liability requirements not less than annually for each issue of outstanding obligations listed on Attachment F - Mandatory Price Sheet. Bonds issued subsequent to this RFP may require computations and related services during the term of any contract issued.

RFP documentation may be obtained by contacting:

Texas Higher Education Coordinating Board

P.O. Box 12788

Austin, Texas 78711-2788

(512) 427-6142

Theresa.lopez@theccb.state.tx.us

RFP documentation is also located on the THECB's website at:

<http://www.theccb.state.tx.us/index.cfm?objectid=1549605A-CCD8-6338-049B9BDED023088E>

And The Electronic state Business Daily

<http://www.txsmartbuy.com/sp>

Proposers should check both websites often to ensure they have the most current information.

Deadline for proposal submission is 3:00 p.m. CT on February 5, 2018.

TRD-201800039

Bill Franz

General Counsel

Texas Higher Education Coordinating Board

Filed: January 5, 2018

Texas Department of Insurance, Division of Workers' Compensation

Proposed Fiscal Year 2018 Research Agenda

Workers' Compensation Research and Evaluation Group

Labor Code §405.0026 requires the commissioner of insurance to adopt an annual research agenda for the Workers' Compensation Research and Evaluation Group (REG) at the Texas Department of Insurance (TDI). Labor Code §405.0025 requires the REG to conduct professional studies and research related to the delivery of benefits; litigation and controversy related to workers' compensation; insurance rates and ratemaking procedures; rehabilitation and reemployment of injured employees; the quality and cost of medical benefits; employer participation in the workers' compensation system; employment health and safety issues; and other matters relevant to the cost, quality, and operational effectiveness of the workers' compensation system. Insurance Code §1305.502 requires the REG to develop and issue an annual informational report card that identifies and compares, on an objective basis, the quality, costs, health care provider availability, and other analogous factors of the workers' compensation system of this state with each other and with medical care provided outside of networks.

Labor Code §405.0026 requires the REG to prepare and publish annually in the *Texas Register* a proposed workers' compensation research agenda for the commissioner's review and approval.

On January 9, 2017, the commissioner of insurance delegated the functions of the REG to the commissioner of workers' compensation.

In November 2017, the REG posted on the TDI website an informal request for stakeholders and the public to provide input on a suggested fiscal year 2018 research agenda. The REG also requested input from legislative offices. The REG uses the following criteria to evaluate responses:

- (1) Is the proposed research project required by statute or likely to be part of an upcoming legislative review?
- (2) Will the results of the proposed research project address the informational needs of multiple stakeholder groups and legislative committees?
- (3) Is there available data to complete the project or can data be obtained easily and economically to complete the project?
- (4) Does the REG have the resources to complete the project during fiscal year 2018?

This year, the REG received no responses to its informal request for input. Based on the responses received and the criteria outlined above, the REG proposes the following research projects for the fiscal year 2018 research agenda:

- (1) Completion and publication of the twelfth edition of the Workers' Compensation Health Care Network Report Card (required under Insurance Code §1305.502(a)-(d) and Labor Code §405.0025(b)).
- (2) An update of the 2016 "Setting the Standard," biennial report on the impact of the HB 7 (2005) legislative reforms of the Texas workers' compensation system. This report presents results on the affordability and availability of workers' compensation insurance for Texas employers; and the impact of certified workers' compensation health care networks on return-to-work outcomes, medical costs, quality of care issues, and medical dispute resolution (required by Insurance Code §2053.012 and Labor Code §405.0025(a)-(c)). The report is due on December 1, 2018.
- (3) An update of the 2016 biennial study to estimate employer participation in the Texas workers' compensation system (required by Insurance Code §2053.012(a) and Labor Code §405.0025(a)(6)). The report is due on December 1, 2018.

(4) An update of return-to-work outcomes for injured workers, including an examination of the impact of pharmaceutical utilization on return-to-work rates (required under Labor Code §405.0025(a)(4)).

(5) An update of medical costs and utilization in the Texas workers' compensation system, to meet the requirements for the "Setting the Standard" biennial report.

(6) A study of the patterns of re-injuries in the Texas workers' compensation system, to include an analysis of re-injury rates by injury types and industry sectors, as well as an analysis of pharmaceutical patterns (N-drugs, Opioids, pre and post formulary), medical costs, and medical utilization for employees with multiple injury dates as compared to employees with one injury.

(7) A study of the outcomes impact of DWC's implementation of the Texas workers' compensation pharmacy closed formulary, to include functional outcomes, return to work rates, injured employee satisfaction, re-injury rates, and disputes.

The REG will consider expanding the scope of listed projects or conducting additional projects to accommodate stakeholder suggestions, subject to resource and data availability.

Request for Public Comment or Public Hearing

If you wish to comment on the proposed fiscal year 2018 research agenda or request a public hearing, you must do so in writing no later than 5:00 p.m. CST on Tuesday, February 20, 2018. A hearing request must be on a separate page from any written comments. The Texas Department of Insurance - Division of Workers' Compensation requires two copies of your comments or hearing request. Send one copy by mail to Maria Jimenez, Office of General Counsel MS-15, Texas Department of Insurance, Division of Workers' Compensation, 7551 Metro Center Drive, Suite 100, Austin, Texas 78744-1645 or by email to rulecomments@tdi.texas.gov. Send the other copy by mail to D.C. Campbell, Director of the Workers' Compensation Research and Evaluation Group, Texas Department of Insurance, Mail Code 107-WC, P.O. Box 149104, Austin, Texas 78714-9104 or by email to wcresearch@tdi.texas.gov. If the commissioner holds a hearing, he will also consider written and oral comments presented at the hearing.

Please visit the TDI website at www.tdi.texas.gov for copies of the proposed research agenda. You may send any questions you have regarding the proposed agenda to D.C. Campbell at wcresearch@tdi.texas.gov.

TRD-201800068

Nicholas Canaday III
General Counsel

Texas Department of Insurance, Division of Workers' Compensation
Filed: January 10, 2018



Public Hearing

The Texas Department of Insurance, Division of Workers' Compensation will hold a public hearing on Thursday, February 15, 2018, in the Tippy Foster Room of the Texas Department of Insurance, Division of Workers' Compensation, 7551 Metro Center Drive, Suite 100, Austin, Texas 78744. The hearing will also be audio streamed; to listen to the audio stream, access the DWC Calendar at www.tdi.texas.gov/wc/events/index.html.

The public hearing will begin at 10:00 a.m. and the division will receive comments on the following rules:

28 Texas Administrative Code (TAC) Chapter 134: Benefits--Guidelines for Medical Services, Charges, and Payments.

Amend: 28 TAC §134.500. Definitions.

Amend: 28 TAC §134.530. Requirements for Use of the Closed Formulary for Claims Not Subject to Certified Networks.

Amend: 28 TAC §134.540. Requirements for Use of the Closed Formulary for Claims Subject to Certified Networks.

The proposed rule was published in the January 19, 2018, issue of the *Texas Register*. The comment period closes at 5:00 p.m. CST on February 20, 2018.

The division provides reasonable accommodations for persons attending meetings, hearings, or educational events, as required by the Americans with Disabilities Act. If you require accommodations in order to attend the hearing, please contact Maria Jimenez at (512) 804-4703 at least two business days prior to the hearing date.

TRD-201800047

Nicholas Canaday III

General Counsel

Texas Department of Insurance, Division of Workers' Compensation

Filed: January 8, 2018



Texas Department of Licensing and Regulation

Public Notice - Criminal Conviction Guidelines

The Texas Commission of Licensing and Regulation (Commission) provides this public notice that, at its regularly scheduled meeting held December 15, 2017, the Commission adopted amendments to the Texas Department of Licensing and Regulation's (Department's) Criminal Conviction Guidelines pursuant to Texas Occupations Code §53.025(a). The Criminal Conviction Guidelines are updated from the original guidelines published on December 5, 2003, *Texas Register* (28 TexReg 11018), to include the Dyslexia Therapists and Practitioners program.

The Criminal Conviction Guidelines (guidelines) describe the process by which the Department determines whether a criminal conviction renders an applicant an unsuitable candidate for the license, or whether a conviction warrants revocation or suspension of a license previously granted. The guidelines present the general factors that are considered in all cases and the reasons why particular crimes are considered to relate to each type of license issued by the Department.

Senate Bill 202, 84th Legislature, Regular Session (2015), transferred the Dyslexia Therapists and Practitioners program from the Texas Department of State Health Services to the Texas Department of Licensing and Regulation and amended Texas Occupations Code, Chapter 451. The statutory changes were effective September 1, 2015; the adopted rules became effective October 1, 2016; and the Department commenced all regulatory functions for the Dyslexia Therapists and Practitioners program on October 3, 2016.

The Criminal Conviction Guidelines for the Dyslexia Therapists and Practitioners program will become a part of the overall guidelines that are already in place for other Department programs. The Department presented the applicable guidelines to the Dyslexia Therapists and Practitioners Advisory Board at its meeting on August 8, 2017, and received the Board's recommendation of approval.

The Criminal Conviction Guidelines for Dyslexia Therapists and Practitioners Program

Crimes against the person such as homicide, kidnapping and assault.

Reasons:

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings including, but not limited to, schools, homes, offices, hospitals and clinics.

2. Licensees are often with clients who are alone or in small groups. Additionally, licensees are often in the presence of caregivers, family members, friends and others.

3. Persons who have a history of committing such crimes would pose a danger to the clients as well as their caregivers, family members, friends and others.

4. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving prohibited sexual conduct.

Reasons:

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings including, but not limited to, schools, homes, offices, hospitals and clinics.

2. Licensees are often with clients who are alone or in small groups. Additionally, licensees are often in the presence of caregivers, family members, friends and others.

3. Persons who have a history of committing such crimes would pose a danger to the clients as well as their caregivers, family members, friends and others.

4. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving children, the elderly or the disabled as victims.

Reasons:

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings including, but not limited to, schools, homes, offices, hospitals and clinics.

2. Licensees are often with clients who are alone or in small groups. Additionally, licensees are often in the presence of caregivers, family members, friends and others.

3. Persons who have a history of committing such crimes would pose a danger to the clients as well as their caregivers, family members, friends and others.

4. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes against property such as theft or burglary.

Reasons:

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings including, but not limited to, schools, homes, offices, hospitals and clinics.

2. Licensees are often with clients who are alone or in small groups. Additionally, licensees are often in the presence of caregivers, family members, friends and others.

3. Licensees would have access to the property of clients, their caregivers, family, friends and others.

4. Persons who have a history of committing such crimes would pose a danger to the property of clients as well as their caregivers, family members, friends and others.

5. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving fraud or deceptive trade practices.

Reasons:

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings including, but not limited to, schools, homes, offices, hospitals and clinics.
2. Licensees are often with clients who are alone or in small groups. Additionally, licensees are often in the presence of caregivers, family members, friends and others.
3. Licensees would have access to the property of clients as well as their care givers, family, friends and others.
4. Licensees are potentially involved in the billing of clients, filing of insurance claims and filing of government documents.
5. Persons who have a history of committing such crimes would pose a danger to the property of clients as well as their caregivers, family members, friends and others.
6. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving the possession, possession with intent to deliver, possession with intent to distribute, delivery, distribution or manufacture of drugs.

Reasons:

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings including, but not limited to, schools, homes, offices, hospitals and clinics.
2. Licensees are often with clients who are alone or in small groups. Additionally, licensees are often in the presence of caregivers, family members, friends and others.
3. Persons who have a history of committing such crimes would pose a danger to the clients as well as their caregivers, family members, friends and others.
4. This profession provides persons with this type of criminal history the opportunity to engage in further similar conduct.

Crimes involving being under the influence of alcohol or drugs.

Reasons:

1. Licensees interact with adults, the elderly, the disabled, and children in a variety of settings including, but not limited to, schools, homes, offices, hospitals and clinics.
2. Licensees are often with clients who are alone or in small groups. Additionally, licensees are often in the presence of caregivers, family members, friends and others.
3. Persons with this type of criminal history could potentially have alcohol or drugs in their systems which would make them a danger to their clients as well as caregivers, family members, friends and others.

A copy of the complete Criminal Conviction Guidelines is posted on the Department's website and may be obtained at www.tdlr.texas.gov. You may also contact the Enforcement Division at (512) 539-5600 or by email at enforcement@tdlr.texas.gov to obtain a copy of the complete guidelines.

TRD-201800026

Brian E. Francis

Executive Director

Texas Department of Licensing and Regulation

Filed: January 3, 2018

◆ ◆ ◆
Texas Lottery Commission

Scratch Ticket Game Number 2030 "Ultimate 7's"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2030 is "ULTIMATE 7's". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2030 shall be \$50.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2030.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 7 SYMBOL, 77 SYMBOL, BANK SYMBOL, COINS SYMBOL, GOLD SYMBOL, SAFE SYMBOL, \$10.00, \$20.00, \$50.00, \$70.00, \$100, \$150, \$200, \$500, \$2,500, \$10,000 and \$4,777,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2030 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
08	EGT
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
18	ETN
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRV
36	TRSX
38	TRET
39	TRNI
40	FRTY
41	FRON

42	FRT0
43	FRTH
44	FRFR
45	FRFV
46	FRSX
48	FRET
49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFFV
56	FFSX
58	FFET
59	FFNI
60	SXTY
7 SYMBOL	WINX20
77 SYMBOL	WINALL
BANK SYMBOL	BANK
COINS SYMBOL	COINS
GOLD SYMBOL	GOLD
SAFE SYMBOL	SAFE
\$10.00	TEN\$
\$20.00	TWY\$
\$50.00	FFTY\$
\$70.00	SVTY\$
\$100	ONHN
\$150	ONFF
\$200	TOHN
\$500	FVHN
\$2,500	25HN
\$10,000	10TH
\$4,777,000	TPPZ

E. Serial Number - A unique 13 (thirteen) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A 24 (twenty-four) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7)

digit Pack number, the three (3) digit Scratch Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (2030), a seven (7) digit Pack number, and a three (3) digit Scratch Ticket number. Scratch Ticket numbers

start with 001 and end with 020 within each Pack. The format will be: 2030-0000001-001.

H. Pack - A Pack of the "ULTIMATE 7's" Scratch Ticket Game contains 020 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 020 while the other fold will show the back of Ticket 001 and front of 020.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "ULTIMATE 7's" Scratch Ticket Game No. 2030.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "ULTIMATE 7's" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 79 (seventy-nine) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "7" Play Symbol, the player wins 20 TIMES the prize for that symbol. If the player reveals a "77" Play Symbol, the player wins ALL 35 PRIZES instantly! BONUS PLAY AREA: If a player reveals a prize amount, the player wins that amount instantly! No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly 79 (seventy-nine) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number, Retailer Validation Code and Pack-Scratch Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;
11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number, Retailer Validation Code and Pack-Scratch Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly 79 (seventy-nine) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number, exactly one Retailer Validation Code, and exactly one Pack-Scratch Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the 79 (seventy-nine) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 79 (seventy-nine) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Scratch Ticket Number must be printed in the Pack-Scratch Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. A Ticket can win up to thirty-six (36) times in accordance with the approved prize structure.

B. Adjacent Non-Winning Tickets within a Pack will not have matching Play Symbol and Prize Symbol patterns. Two (2) Tickets have matching Play Symbol and Prize Symbol patterns if they have the same Play Symbols and Prize Symbols in the same spots.

C. The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

D. Each Ticket will have eight (8) different WINNING NUMBERS Play Symbols.

E. Non-winning YOUR NUMBERS Play Symbols will all be different.

F. Non-winning Prize Symbols will never appear more than five (5) times.

G. The "7" (WINX20) and "77" (WINALL) Play Symbols will never appear in the WINNING NUMBERS Play Symbol spots.

H. The "7" (WINX20) and "77" (WINALL) Play Symbols will only appear as dictated by the prize structure.

I. On Tickets that contain the "77" (WINALL) Play Symbol, none of the WINNING NUMBERS Play Symbols will match any of the YOUR NUMBERS Play Symbols and the "7" (WINX20) Play Symbol will not appear.

J. Non-winning Prize Symbols will never be the same as the winning Prize Symbol(s).

K. No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 20 and \$20).

L. The \$10 and \$20 Prize Symbols will only appear on winning Tickets in which they are part of a winning pattern.

2.3 Procedure for Claiming Prizes.

A. To claim an "ULTIMATE 7's" Scratch Ticket Game prize of \$70.00, \$100, \$150, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$70.00, \$100, \$150, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim an "ULTIMATE 7's" Scratch Ticket Game prize of \$2,500 or \$10,000, the claimant must sign the winning Scratch Ticket and present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. To claim an "ULTIMATE 7's" Scratch Ticket Game top level prize of \$4,777,000, the claimant must sign the winning Scratch Ticket and present it at Texas Lottery Commission headquarters in Austin, Texas. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. As an alternative method of claiming an "ULTIMATE 7's" Scratch Ticket Game prize, the claimant must sign the winning Scratch Ticket, thoroughly complete a claim form, and mail both to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the

event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

E. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct:

1. A sufficient amount from the winnings of a prize winner who has been finally determined to be:

a. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

b. in default on a loan made under Chapter 52, Education Code; or

c. in default on a loan guaranteed under Chapter 57, Education Code; and

2. delinquent child support payments from the winnings of a prize winner in the amount of the delinquency as determined by a court or a Title IV-D agency under Chapter 231, Family Code.

F. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "ULTIMATE 7's" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "ULTIMATE 7's" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 3,600,000 Scratch Tickets in Scratch Ticket Game No. 2030. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2030 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$70	540,000	6.67
\$100	270,000	13.33
\$150	90,000	40.00
\$200	135,000	26.67
\$500	28,500	126.32
\$2,500	2,010	1,791.04
\$10,000	150	24,000.00
\$4,777,000	3	1,200,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.38. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2030 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2030, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-201800064
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: January 10, 2018



Scratch Ticket Game Number 2041 "Aces and 8s"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2041 is "ACES AND 8s". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. Tickets for Scratch Ticket Game No. 2041 shall be \$2.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2041.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 01, 02, 03, 04, 05, 06, 07, 09, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, ACE SYMBOL, 8 SYMBOL, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$50.00, \$100, \$1,000 and \$30,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2041 - 1.2D

PLAY SYMBOL	CAPTION
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SVN
09	NIN
10	TEN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
19	NTN
20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWFV
26	TWSX
27	TWSV
29	TWNI
30	TRTY
ACE SYMBOL	DBL
8 SYMBOL	WINX2
\$2.00	TWO\$
\$4.00	FOR\$
\$5.00	FIV\$
\$10.00	TEN\$
\$20.00	TWY\$
\$50.00	FFTY\$
\$100	ONHN
\$1,000	ONTH
\$30,000	30TH

E. Serial Number - A unique 13 (thirteen) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A 24 (twenty-four) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Scratch Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Pack-Ticket Number - A 14 (fourteen) digit number consisting of the four (4) digit game number (2041), a seven (7) digit Pack number, and a three (3) digit Scratch Ticket number. Scratch Ticket numbers start with 001 and end with 125 within each Pack. The format will be: 2041-0000001-001.

H. Pack - A Pack of "ACES AND 8s" Scratch Ticket Games contains 125 Scratch Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). Ticket 001 will be shown on the front of the Pack; the back of Ticket 125 will be revealed on the back of the Pack. All Packs will be tightly shrink-wrapped. There will be no breaks between the Tickets in a Pack. Every other Pack will reverse i.e., reverse order will be: the back of Ticket 001 will be shown on the front of the Pack and the front of Ticket 125 will be shown on the back of the Pack.

I. Non-Winning Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401.

J. Scratch Ticket Game, Scratch Ticket or Ticket - A Texas Lottery "ACES AND 8s" Scratch Ticket Game No. 2041.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 401.302, Scratch Ticket Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "ACES AND 8s" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose 24 (twenty-four) Play Symbols. If a player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals an Ace "ACE" Play Symbol or an "8" Play Symbol, the player wins DOUBLE the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly 24 (twenty-four) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;

6. The Serial Number, Retailer Validation Code and Pack-Scratch Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number, Retailer Validation Code and Pack-Scratch Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly 24 (twenty-four) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number, exactly one Retailer Validation Code, and exactly one Pack-Scratch Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the 24 (twenty-four) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the 24 (twenty-four) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Pack-Scratch Ticket Number must be printed in the Pack-Scratch Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. A Ticket can win up to ten (10) times in accordance with the approved prize structure.

B. Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

D. Each Ticket will have four (4) different WINNING NUMBERS Play Symbols.

E. Non-winning YOUR NUMBERS Play Symbols will all be different.

F. Non-winning Prize Symbols will never appear more than two (2) times.

G. The "ACE" (DBL) and "8" (WINX2) Play Symbols will never appear in the WINNING NUMBERS Play Symbol spots.

H. Non-winning Prize Symbol(s) will never be the same as the winning Prize Symbol(s).

I. No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (e.g., 5 and \$5).

2.3 Procedure for Claiming Prizes.

A. To claim a "ACES AND 8s" Scratch Ticket Game prize of \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$50.00 or \$100, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00 or \$100 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "ACES AND 8s" Scratch Ticket Game prize of \$1,000 or \$30,000, the claimant must sign the winning Scratch Ticket and present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "ACES AND 8s" Scratch Ticket Game prize, the claimant must sign the winning Scratch Ticket, thoroughly complete a claim form, and mail both to: Texas Lottery Commission, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct:

1. A sufficient amount from the winnings of a prize winner who has been finally determined to be:

a. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

b. in default on a loan made under Chapter 52, Education Code; or

c. in default on a loan guaranteed under Chapter 57, Education Code; and

2. delinquent child support payments from the winnings of a prize winner in the amount of the delinquency as determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "ACES AND 8s" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "ACES AND 8s" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto.

Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

Figure 2: GAME NO. 2041 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$2	748,800	9.62
\$4	576,000	12.50
\$5	115,200	62.50
\$10	86,400	83.33
\$20	57,600	125.00
\$50	46,500	154.84
\$100	2,520	2,857.14
\$1,000	90	80,000.00
\$30,000	10	720,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.41. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery Commission.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2041 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket Game closing procedures and the Scratch Ticket Game Rules. See 16 TAC §401.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2041, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 401, and all final decisions of the Executive Director.

TRD-201800067
 Bob Biard
 General Counsel
 Texas Lottery Commission
 Filed: January 10, 2018



4.0 Number and Value of Scratch Ticket Prizes. There will be approximately 7,200,000 Scratch Tickets in the Scratch Ticket Game No. 2041. The approximate number and value of prizes in the game are as follows:

North Central Texas Council of Governments

Request for Proposals for Regional Traffic Signal Retiming Program Phase V

The North Central Texas Council of Governments (NCTCOG) is requesting written proposals from consultant firm(s) to implement a Regional Traffic Signal Retiming Program Phase V, which will include retiming of signalized intersections in the Dallas Fort-Worth Non-Attainment Area. The Regional Traffic Signal Retiming Program Phase V will include establishment of a baseline analysis, implementation of signal retiming, performing a subsequent analysis (improved conditions) and development of an executive summary of the program.

Proposals must be received no later than 5:00 p.m. Central Time, on Friday, February 16, 2018, to Gregory Masota, Transportation Planner III, North Central Texas Council of Governments, 616 Six Flags Drive, Arlington, Texas 76011. The full RFP, including selection criteria and other desired elements, will be available at www.nctcog.org/rfp by the close of business on Friday, January 19, 2018.

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

TRD-201800074

R. Michael Eastland
Executive Director
North Central Texas Council of Governments
Filed: January 10, 2018

◆ ◆ ◆
Public Utility Commission of Texas

Notice of Application for a Service Provider Certificate of Operating Authority

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on January 5, 2018, for a service provider certificate of operating authority in accordance with Public Utility Regulatory Act §§54.151 - 54.156.

Docket Title and Number: Application of Lighttower Fiber Networks II, LLC for a service Provider Certificate of Operating Authority, Docket Number 47930.

Applicant intends to provide facilities based, data, and resale telecommunication services in the exchanges of all incumbent local exchange companies throughout the state of Texas. More specifically, applicant intends to provide facilities-based SONET, private line, ethernet, wave-length, dedicated internet access and collocation services.

Persons wishing to comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll free at (888) 782-8477 no later than January 26, 2018. Hearing and speech impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 47930.

TRD-201800056
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: January 8, 2018

◆ ◆ ◆
Notice of Application for Exempt Utility Registration

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on December 27, 2017, for exempt utility registration.

Docket Style and Number: Application of Bracero Water Supply Corporation for Exempt Utility Registration, Docket Number 47901.

The Application: Bracero Water Supply Corporation filed an application for exempt utility registration under Texas Water Code §13.242(c) and 16 Texas Administrative Code §24.103(e) in order to qualify it to assume ownership and operation of a portion of the Kamira Water System and customer base in Kerr County.

Persons wishing to intervene or comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120; or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 47901.

TRD-201800044
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: January 8, 2018

Notice of Application to Amend Water and Sewer Certificates of Convenience and Necessity

Notice is given to the public of the filing with the Public Utility Commission of Texas on December 27, 2017, of an application to amend water and sewer certificates of convenience and necessity and to decertify a portion of water service area in Harris County.

Docket Style and Number: Application of Quadvest, L.P. to Amend its Certificates of Convenience and Necessity and to Decertify a Portion of Aqua Texas, Inc.'s Water Service Area in Harris County, Docket Number 47910.

The Application: Quadvest L.P. filed an application to amend water certificate of convenience and necessity (CCN) No. 11612 and sewer CCN No. 20952 and to decertify a portion of Aqua Texas Inc.'s water service area in Harris County. The total area being requested includes approximately 93 acres and zero customers.

Persons wishing to intervene or comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. A deadline for intervention in this proceeding will be established. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 47910.

TRD-201800032
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: January 4, 2018

◆ ◆ ◆
Notice of Application to Amend Water Certificate of Convenience and Necessity and for Dual Certification

Notice is given to the public of the filing with the Public Utility Commission of Texas on January 5, 2018, of an application to amend water certificate of convenience and necessity for dual certification in Hays and Travis Counties.

Docket Style and Number: Application of Sunfield Municipal Utility District No. 4 to Amend a Water Certificate of Convenience and Necessity for Dual Certification with Goforth Special Utility District in Hays and Travis Counties, Docket Number 47925.

The Application: Sunfield Municipal Utility District No. 4 filed an application to amend its water certificate of convenience and necessity (CCN) No. 13116 and for dual certification with Goforth Special Utility District in Hays and Travis Counties. The total area being requested includes approximately 2,136 acres and 960 customers.

Persons wishing to intervene or comment on the action sought should contact the commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. A deadline for intervention in this proceeding will be established. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All comments should reference Docket Number 47925.

TRD-201800040
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: January 5, 2018

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

Notice is hereby given to the public of the January 2, 2018, filing with the Public Utility Commission of Texas of a petition of the Electric Reliability Council of Texas, Inc. (ERCOT) for approval of the re-election of an unaffiliated director.

Docket Style and Number: Petition of the Electric Reliability Council of Texas, Inc. for Approval of Re-Election of Unaffiliated Director, Docket Number 47915.

The Petition: ERCOT filed a petition for approval of the re-election of Mr. Peter Cramton to a second three-year term as an Unaffiliated Director of the ERCOT Board of Directors (Board). ERCOT requests approval of the re-election of Mr. Cramton to serve on the ERCOT Board beginning August 17, 2018.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Customer Protection Division at (512) 936-7120. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 47915.

TRD-201800033
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: January 4, 2018



Notice of ERCOT's Filing for Approval of Unaffiliated Director

Notice is hereby given to the public of the January 2, 2018, filing with the Public Utility Commission of Texas of a petition of the Electric Reliability Council of Texas, Inc. (ERCOT) for approval of an unaffiliated director.

Docket Style and Number: Petition of the Electric Reliability Council of Texas, Inc. for Approval of Unaffiliated Director, Docket Number 47916.

The Petition: ERCOT filed a petition for approval of Mr. Terrence J. "Terry" Bulger as an Unaffiliated Director of the ERCOT Board of Directors (Board). Mr. Bulger has been approved as a director by the Corporate Members of ERCOT, and has met all requisite qualifications for service on the ERCOT Board. ERCOT requests approval of Mr. Bulger's serve on the ERCOT Board beginning approval by the Commission.

Persons who wish to intervene in the proceeding or comment upon the action sought should contact the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326, or call the commission's Customer Protection Division at (512) 936-7120. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. All correspondence should refer to Docket Number 47916.

TRD-201800031
Adriana Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: January 4, 2018



Texas Department of Transportation

Aviation Division - Request for Qualifications for Professional Engineering Services

The City of Gainesville, through its agent, the Texas Department of Transportation (TxDOT), intends to engage a professional engineering firm for services pursuant to Chapter 2254, Subchapter A, of the Government Code. TxDOT Aviation Division will solicit and receive qualification statements for the current aviation project as described below.

Current Project: City of Gainesville; TxDOT CSJ No.: 1803GAINS.

The TxDOT Project Manager is Ryan Hindman, P.E.

Scope: Provide engineering and design services, including construction administration, to realign and rehabilitate Taxiway B.

The Agent, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§2000d to 2000d-4) and the Regulations, hereby notifies all respondents that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit in response to this solicitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

The proposed contract is subject to 49 CFR Part 26 concerning the participation of Disadvantaged Business Enterprises (DBE).

The DBE goal for the design phase of the current project is 0%. The goal will be re-set for the construction phase.

Utilizing multiple engineering/design and construction grants over the course of the next five years, future scope of work items at the Gainesville Municipal Airport may include the following:

Rehabilitate and mark Runway 18/36; rehabilitate and mark Runway 13-31; rehabilitate and mark full parallel taxiway; rehabilitate public apron; rehabilitate taxiways C, D, E, F and G; and construct new hangar access taxiway.

The City of Gainesville reserves the right to determine which of the services listed above may or may not be awarded to the successful firm and to initiate additional procurement action for any of the services listed above.

To assist in your qualification statement preparation, the criteria, 5010 drawing, project diagram, and most recent Airport Layout Plan are available online at <http://www.dot.state.tx.us/avn/avninfo/notice/consult/index.htm> by selecting "Gainesville Municipal Airport." The qualification statement should address a technical approach for the current scope only. Firms shall use page 4, Recent Airport Experience, to list relevant past projects.

AVN-550 Preparation Instructions:

Interested firms shall utilize the latest version of Form AVN-550, titled "Qualifications for Aviation Architectural/Engineering Services." The form may be requested from TxDOT, Aviation Division, 125 E. 11th Street, Austin, Texas 78701-2483, phone number, (800) 68-PILOT (74568). The form may be emailed by request or downloaded from the TxDOT website at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html>. The form may not be altered in any way. Firms must carefully follow the instructions provided on each page of the form. Qualifications shall not exceed the number of pages in the AVN-550 template. The AVN-550 consists of eight pages of data plus one optional illustration page. A prime provider may only submit one AVN-550. If a prime provider submits more than one AVN-550, or submits a cover page with the AVN-550, that provider will be disqualified.

Responses to this solicitation WILL NOT BE ACCEPTED IN ANY OTHER FORMAT.

ATTENTION: To ensure utilization of the latest version of Form AVN-550, firms are encouraged to download Form AVN-550 from the TxDOT website as addressed above. Utilization of Form AVN-550 from a previous download may not be the exact same format. Form AVN-550 is a PDF Template.

The completed Form AVN-550 must be received in the TxDOT Aviation eGrants system no later than February 12, 2018, 11:59 p.m. (CDST). Electronic facsimiles or forms sent by email or regular/overnight mail will not be accepted.

Firms that wish to submit a response to this solicitation must be a user in the TxDOT Aviation eGrants system no later than one business day before the solicitation due date. To request access to eGrants, please complete the Contact Us web form located at <http://txdot.gov/government/funding/egrants-2016/aviation.html>

An instructional video on how to respond to a solicitation in eGrants is available at <http://txdot.gov/government/funding/egrants-2016/aviation.html>

Step by step instructions on how to respond to a solicitation in eGrants will also be posted in the RFQ packet at <http://www.dot.state.tx.us/avn/avninfo/notice/consult/index.htm>.

The consultant selection committee will be composed of local government representatives. The final selection by the committee will generally be made following the completion of review of AVN-550s. The committee will review all AVN-550s and rate and rank each. The Evaluation Criteria for Engineering Qualifications can be found at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html> under Information for Consultants. All firms will be notified and the top rated firm will be contacted to begin fee negotiations for the design and bidding phases. The selection committee does, however, reserve the right to conduct interviews for the top rated firms if the committee deems it necessary. If interviews are conducted, selection will be made following interviews.

Please contact TxDOT Aviation for any technical or procedural questions at (800) 68-PILOT (74568). For procedural questions, please contact Kelle Chancey, Grant Manager. For technical questions, please contact Ryan Hindman, Project Manager.

For questions regarding responding to this solicitation in eGrants, please contact the TxDOT Aviation help desk at (800) 687-4568 or avn-egrantshelp@txdot.gov.

TRD-201800042

Joanne Wright

Deputy General Counsel

Texas Department of Transportation

Filed: January 5, 2018



Aviation Division - Request for Qualifications for Professional Services

The Texas Department of Transportation (TxDOT), acting as Agent for various general aviation airport Sponsors, intends to enter into an indefinite deliverable contract with a qualified prime provider pursuant to Texas Government Code, Chapter 2254, Subchapter A, and Title 43, Texas Administrative Code, §§9.30 - 9.42, to provide services as described below.

TxDOT Aviation Division will solicit and receive qualification statements for general engineering and design services, to include construc-

tion administration, at various general aviation airports located across Texas. The contract term will be three years, and will be renewable for up to two additional years. The contract term will begin on the date the contract is executed by Agent.

The complete RFQ can be found on the TxDOT Aviation web site: <http://www.dot.state.tx.us/avn/avninfo/notice/consult/index.htm>

Sponsor: Various general aviation airports statewide in Texas

TxDOT Project Number: 4218AVNSAMC

TxDOT Project Manager: Eusebio Torres, P.E.

The Sponsor and TxDOT, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§2000d to 2000d-4) and the Regulations, hereby notifies all respondents that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit in response to this solicitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

Presolicitation Meeting and Questions:

A presolicitation meeting is scheduled for January 24, 2018, at 10:00 a.m. in Room 107 of the Aviation Division office located at 150 E. Riverside Drive, South Tower, Austin, Texas 78704. All attendees must check in with the security agent on the east side of the building.

Effective from January 19, 2018, through the date of provider selection, if any staff member from a proposing firm contacts a TxDOT staff member, the firm will be disqualified.

Procedural and technical questions should be submitted in writing to beverly.longfellow@txdot.gov prior to the presolicitation meeting. Questions will be addressed at the presolicitation meeting and by published addenda to the RFQ. The last date to submit questions is January 30, 2018.

Project Description:

The professional services include all engineering and design services of General Aviation Airport Plans, Specifications and Estimate (PS&E) preparation and Construction Administration for a single bid, multi-site statewide airport maintenance contract(s) (SAMC), consisting of maintenance contractors, general aviation pavement crack sealing, minor pavement repair, rehabilitation, and markings. Providers must propose and utilize a single professional engineer, licensed in Texas, who will perform the work. Work will require contact with a designated local representative at each airport site, a TxDOT project manager and an on-site resident project representative to be provided under separate contract. The contracted firm will be required to commence on-demand services within 72 hours of the Notice to Proceed for a work authorization.

Historically Underutilized Business (HUB)/Disadvantaged Business Enterprise (DBE):

For state-funded projects, subcontracting opportunities are not probable. Therefore, respondents are not required to provide an up-to-date HUB Subcontracting Plan (HSP) with their proposal at the time of submission.

For federally-funded projects, the assigned DBE goal for participation in the work to be performed under this contract will be race neutral. Services for DBE or HUB will be reported dependent upon the funding utilized for each project.

Proposal Procedure:

Interested firms shall utilize the latest version of Form AVN-550, titled "Qualifications for Aviation Architectural/Engineering Services." The form may be requested from TxDOT, Aviation Division, 125 E. 11th Street, Austin, Texas 78701-2483, phone number, (800) 68-PILOT (74568). The form may be emailed by request or downloaded from the TxDOT website at <http://www.txdot.gov/inside-txdot/division/aviation/projects.html>. The form may only be altered to meet instructions in this solicitation. All printing must be in black on white paper, except for the optional illustration page. Only one person may be listed on pages 2-3 as the Aviation Project Design Team. Except for page 5, which should be left blank, firms must carefully follow the instructions provided on each page of the form. Qualifications shall not exceed the number of pages in the AVN-550 template. The AVN-550 format consists of eight 8 1/2" x 11" pages of data plus one optional illustration page. The optional illustration page shall be no larger than 11" x 17" and may be folded to an 8 1/2" x 11" size.

A prime provider may only submit one AVN-550. If a prime provider submits more than one AVN-550, submits more than one design team member on pages 2-3, or submits a cover letter, that provider will be disqualified. AVN-550s shall be stapled but not bound in any other fashion. AVN-550s WILL NOT BE ACCEPTED IN ANY OTHER FORMAT.

To ensure utilization of the latest version of Form AVN-550, firms are encouraged to download Form AVN-550 from the TxDOT website as addressed above. Utilization of Form AVN-550 from a previous download may not be the exact same format. Form AVN-550 is a PDF template that works best with Internet Explorer.

FIVE unfolded copies of the AVN-550 response must be received by TxDOT Aviation Division, Attn: Beverly Longfellow, at 150 East Riverside Drive, 5th Floor, South Tower, Austin, Texas 78704 no later than February 15, 2018, 4:00 p.m. (CST). Electronic facsimiles or forms sent by email will not be accepted.

Selection Criteria:

The selection committee will be composed of Aviation Division staff members. The final selection by the committee will generally be made following the review of AVN-550s. The committee will review all AVN-550s and rate and rank each. All firms will be notified, and the top rated firm will be contacted to begin fee negotiations. The selection committee does, however, reserve the right to conduct interviews for the top rated firms if the committee deems it necessary. If interviews are conducted, selection will be made following interviews.

The Evaluation Criteria can be found in the Notice to Consultants located on the TxDOT Aviation web site: <http://www.dot.state.tx.us/avn/avninfo/notice/consult/index.htm>.

TRD-201800062

Joanne Wright

Deputy General Counsel

Texas Department of Transportation

Filed: January 9, 2018

