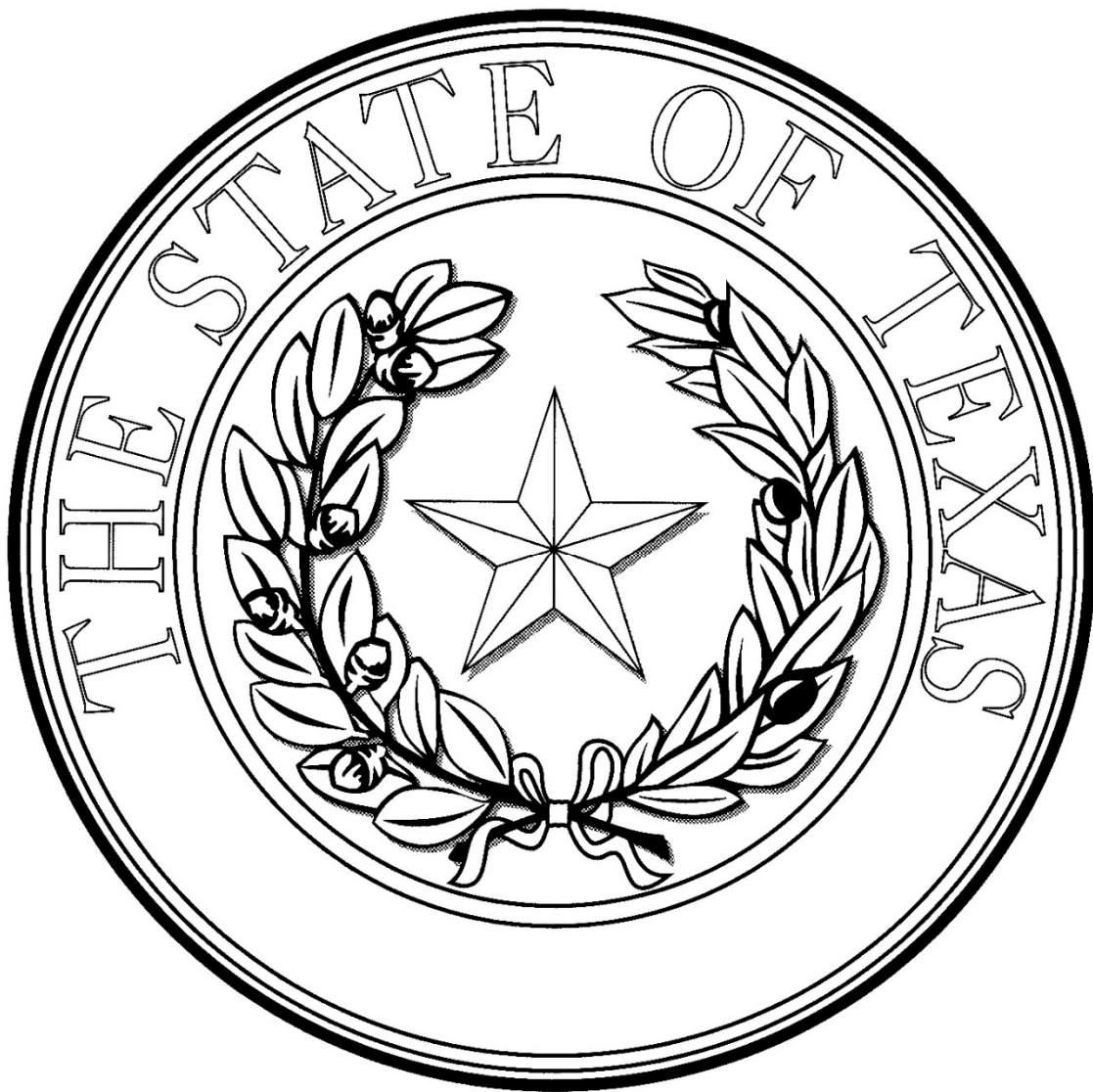

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THE GOVERNOR

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

Appointments

Appointments for October 1, 2026

Appointed to the Texas Municipal Retirement System Board of Trustees for a term to expire February 1, 2031, Brooks S. Bennett of Round Rock, Texas (replacing Larry B. "Bryan" Langley of Kyle who resigned).

Appointments for October 5, 2026

Appointed to the Texas Juvenile Justice Board for a term to expire February 1, 2029, Bryan L. Collier of Huntsville, Texas (replacing Shawn N. Thierry of Houston who resigned).

Appointments for October 6, 2026

Appointed to the Texas Historical Records Advisory Board for a term to expire February 1, 2029, Trasa L. Cobern of Hurst, Texas (replacing Tara Turk-Zaafan of Houston whose term expired).

Appointments for October 7, 2026

Appointed to the Upper Colorado River Authority for a term to expire February 1, 2029, Zane W. Blackwell of Eden, Texas (replacing Wade T. "Tanner" Mahan of Menard who resigned).

Greg Abbott, Governor

TRD-202604267



Proclamation 41-4315

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, on June 5, 2026, I, Greg Abbott, Governor of Texas, issued a disaster proclamation certifying under Section 418.014 of the Texas Government Code that the spread of New World screwworm northward from Mexico toward the U.S. southern border threatens Texas' livestock industry and economy and poses an imminent threat of widespread and severe property damage for all Texas counties; and

WHEREAS, the certified conditions continue to exist and pose an ongoing and imminent threat of disaster as set forth in the prior proclamation;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the aforementioned proclamation and declare a state of disaster for all Texas counties. All orders, directions, suspensions, and authorizations provided in the Proclamation of June 5, 2026, are in full force and effect.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 2nd day of October, 2026.

Greg Abbott, Governor

TRD-202604271



Proclamation 41-4316

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on August 12, 2025, related to fire weather conditions that began on August 10, 2025, as amended and renewed in subsequent proclamations, certifying that increased fire weather conditions pose an imminent threat of widespread or severe damage, injury, or loss of life or property in several counties; and

WHEREAS, the Texas Division of Emergency Management has confirmed that those same increased fire weather conditions persist in certain counties in Texas;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby amend and renew the aforementioned proclamation and declare a disaster in Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bosque, Bowie, Brazoria, Brazos, Brooks, Burleson, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Delta, DeWitt, Duval, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Galveston, Goliad, Gonzales, Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Hidalgo, Hopkins, Houston, Hunt, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Karnes, Kaufman, Kenedy, Kleberg, La Salle, Lamar, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Madison, Marion, Matagorda, McMullen, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Polk, Rains, Red River, Refugio, Robertson, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Schleicher, Shelby, Smith, Starr, Sutton, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wood, and Zapata Counties.

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this 2nd day of October, 2026.

Greg Abbott, Governor

TRD-202604272



THE ATTORNEY GENERAL

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

An index to the full text of these documents is available on the Attorney General's website at <https://www.texas.attorneygeneral.gov/attorney-general-opinions>. For information about pending requests for opinions, telephone (512) 463-2110.

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

Requests for Opinions

RQ-0661-KP

Requestor:

Mr. Jerry Bob Daniel

President

Red River Authority

Post Office Box 240

Wichita Falls, Texas 76307-0240

Re: Eligibility for membership in a Regional Water Planning Group (RQ-0661-KP)

Briefs requested by November 4, 2026

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202604261

Justin Gordon

General Counsel

Office of the Attorney General

Filed: October 6, 2026



Opinions

Opinion No. KP-0534

The Honorable Renee Ann Mueller

Washington County Attorney

100 East Main, Suite 200

Brenham, Texas 77833

Re: Transportation Code requirements for a "junked vehicle" to constitute a public nuisance (RQ-0603-KP)

S U M M A R Y

Section 683.072 of the Transportation Code declares a junked vehicle that is visible from a public place or public right-of-way is, among other things, a public nuisance.

Opinion No. KP-0535

The Honorable Rodolfo Gutierrez

Jim Hogg County Attorney

Post Office Box 847

Hebbronville, Texas 78361

Re: Scope of Tex. Educ. Code § 11.067 (RQ-0606-KP)

S U M M A R Y

A "vendor" under Texas Education Code subsection 11.067(a) is an individual or entity who enters into any agreement for the provision of goods or services with a school district. A vendor "receives a contract" under subsection 11.067(b) if it is awarded the opportunity to provide goods or services for a school district. The vendor must have sought the contract award, and a conflict of interest must be present for criminal liability to attach. But a vendor need not enter into a contract or participate in a formal bidding process to "receive" the contract under subsection 11.067(b). Whether a particular transaction would subject a vendor to criminal liability under subsection 11.067(b) requires the resolution of fact questions that are beyond the scope of an Attorney General opinion.

Opinion No. KP-0536

The Honorable Ryan Guillen

Chair, House Committee on Agriculture & Livestock

Texas House of Representatives

Post Office Box 2910

Austin, Texas 78768-2910

Re: Municipal authority over certain firefighter positions under the Texas Local Government Code (RQ-0609-KP)

S U M M A R Y

The Fire Fighter and Police Officer Civil Service Act authorizes a municipality's governing body to abolish civil service-classified positions in the municipality's fire department, but abolishment must be done in good faith. A municipality's civil service commission and department head have authority under the Act to vacate classified firefighter positions under certain circumstances, and they may fill vacant classified firefighter positions in compliance with the procedures set forth in the Act. The Act does not confer such authority to the Valley International Airport board or airport director.

Opinion No. KP-0537

The Honorable R. David Holmes

Hill County Attorney

Post Office Box 253

Hillsboro, Texas 76645

Re: Whether a Type A general law city may accept a donation of property, including money, for municipal purposes (RQ-0613-KP)

S U M M A R Y

Subsection 51.015(a) provides Type A general-law municipalities with the authority to accept donations of property, including money, so long as it is done for a municipal purpose.

For further information, please access the website at www.texasattorneygeneral.gov or call the Opinion Committee at (512) 463-2110.

TRD-202604260
Justin Gordon
General Counsel
Office of the Attorney General
Filed: October 6, 2026



TEXAS ETHICS COMMISSION

The Texas Ethics Commission is authorized by the Government Code, §571.091, to issue advisory opinions in regard to the following statutes: the Government Code, Chapter 302; the Government Code, Chapter 305; the Government Code, Chapter 572; the Election Code, Title 15; the Penal Code, Chapter 36; and the Penal Code, Chapter 39. Requests for copies of the full text of opinions or questions on particular submissions should be addressed to the Office of the Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070, (512) 463-5800.

Ethics Advisory Opinions

EAO-647: Whether communications and appearances while representing an intervening party during judicial review of an agency order constitute prohibited communications to or appearances before the agency's officers or employees by a former member of the governing body of the agency. (AOR-751.)

SUMMARY

Representing an intervening party in judicial review proceedings necessarily requires communication with TCEQ personnel despite directing all advocacy to the reviewing court. Because the requestor's communications and representations before a court are with the intent to influence and are in connection to a matter on which the represented party and the TCEQ seek official action, the requestor's representation of an intervening party before the two-year communication prohibition would violate Section 572.054(a).

The Texas Ethics Commission is authorized by section 571.091 of the Government Code to issue advisory opinions in regard to the following statutes: (1) Chapter 572, Government Code; (2) Chapter 302, Government Code; (3) Chapter 303, Government Code; (4) Chapter 305, Government Code; (5) Chapter 2004, Government Code; (6) Title 15, Election Code; (7) Chapter 159, Local Government Code; (8) Chapter 36, Penal Code; (9) Chapter 39, Penal Code; (10) Section 2152.064, Government Code; and (11) Section 2155.003, Government Code.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Capitol Station, Austin, Texas 78711-2070, (512) 463-5800 or opinions@ethics.state.tx.us.

Issued in Austin, Texas, on September 23, 2026.

TRD-202604203
Amanda Arriaga
General Counsel
Texas Ethics Commission
Filed: September 30, 2026

EAO-648: Whether the TEC may impose a civil penalty pursuant to Section 572.033 of the Government Code for a late personal financial statement (PFS) if the Texas Ethics Commission (TEC) did not send the filer a notice to file as required by Section 572.030 of the Government Code. (AOR-752.)

SUMMARY

The TEC must impose a civil penalty pursuant to Section 572.033 of the Government Code for a late PFS even if it did not send the filer a notice to file as required by Section 572.030 of the Government Code.

The Texas Ethics Commission is authorized by section 571.091 of the Government Code to issue advisory opinions in regard to the following statutes: (1) Chapter 572, Government Code; (2) Chapter 302, Government Code; (3) Chapter 303, Government Code; (4) Chapter 305,

Government Code; (5) Chapter 2004, Government Code; (6) Title 15, Election Code; (7) Chapter 159, Local Government Code; (8) Chapter 36, Penal Code; (9) Chapter 39, Penal Code; (10) Section 2152.064, Government Code; and (11) Section 2155.003, Government Code.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Capitol Station, Austin, Texas 78711-2070, (512) 463-5800 or opinions@ethics.state.tx.us.

Issued in Austin, Texas, on September 23, 2026.

TRD-202604202
Amanda Arriaga
General Counsel
Texas Ethics Commission
Filed: September 30, 2026

EAO-649: Whether contributions given to fund an individual voter's legal expenses are political contributions requiring reporting by either the individual or the specific purpose committee that the individual remains an active campaign treasurer for. Whether the requestor has any Title 15 campaign-finance obligations for the contributions received and spent for their individual election contest litigation. (AOR-754.)

SUMMARY

Contributions to fund an election contest are political contributions. If the requestor accepts contributions to fund his election contest, he and the contributors likely formed a political committee requiring reporting, assuming that either the contribution or expenditure total exceeded \$1,110.

The Texas Ethics Commission is authorized by section 571.091 of the Government Code to issue advisory opinions in regard to the following statutes: (1) Chapter 572, Government Code; (2) Chapter 302, Government Code; (3) Chapter 303, Government Code; (4) Chapter 305, Government Code; (5) Chapter 2004, Government Code; (6) Title 15, Election Code; (7) Chapter 159, Local Government Code; (8) Chapter 36, Penal Code; (9) Chapter 39, Penal Code; (10) Section 2152.064, Government Code; and (11) Section 2155.003, Government Code.

Questions on particular submissions should be addressed to the Texas Ethics Commission, P.O. Box 12070, Capitol Station, Austin, Texas 78711-2070, (512) 463-5800 or opinions@ethics.state.tx.us.

Issued in Austin, Texas, on September 23, 2026.

TRD-202604204
Amanda Arriaga
General Counsel
Texas Ethics Commission
Filed: September 30, 2026



PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to

submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

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

TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 2. ACADEMIC AND WORKFORCE EDUCATION

SUBCHAPTER F. APPROVAL PROCESS FOR NEW BACCALAUREATE AND MASTER'S DEGREES AT PUBLIC UNIVERSITIES AND PUBLIC HEALTH-RELATED INSTITUTIONS

19 TAC §2.118

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 2, Subchapter F, §2.118, concerning Criteria for New Competency-Based Baccalaureate Degrees. Specifically, this amendment will provide clarity to public institutions regarding the allowable threshold for tuition that can be charged for a competency-based baccalaureate degree program offered under the provisions of Texas Education Code, §51.3535. This rule amendment is proposed in conjunction with a rule amendment in Chapter 13, Subchapter G, §13.130 (concerning Cost of Attendance Calculation for Competency-Based Baccalaureate Degree Programs).

Texas Education Code, §51.3535, authorizes the Coordinating Board to adopt rules regarding high demand fields and tuition rates for competency-based baccalaureate degree programs.

Rule 2.118, Criteria for New Competency-Based Baccalaureate Degrees, is amended to include a definition of direct cost of attendance and maximum allowable direct cost of attendance for programs developed under this section.

Brandon Griggs, Assistant Commissioner for Academic and Health Affairs, has determined that for each of the first five years the section is in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rule. There are no estimated reductions in costs to the state or to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Brandon Griggs, Assistant Commissioner for Academic and Health Affairs, has also determined that for each year of the first

five years the section is in effect, the public benefit anticipated as a result of administering the section will be clarity for institutions of higher education regarding the allowable threshold for tuition that can be charged for a competency-based degree programs offered under the provisions of Texas Education Code, §51.3535. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

- (1) the rule will not create or eliminate a government program;
- (2) implementation of the rule will not require the creation or elimination of employee positions;
- (3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rule will not require an increase or decrease in fees paid to the agency;
- (5) the rule will not create a new rule;
- (6) the rule will not limit an existing rule;
- (7) the rule will not change the number of individuals subject to the rule; and
- (8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Brandon Griggs, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 51.3535, which provides the Coordinating Board with authority to adopt rules regarding high demand fields and tuition rates for competency-based baccalaureate degree programs.

The proposed amendment affects Texas Administrative Code, §2.118, concerning Criteria for New Competency-Based Baccalaureate Degrees.

§2.118. *Criteria for New Competency-Based Baccalaureate Degrees.*

(a) Each system shall ensure that one or more institutions of higher education under its control offer a competency-based baccalaureate degree program in accordance with this rule.

(b) Direct Cost of Attendance. For a degree program developed under this section, the cost of attendance shall be defined as the direct cost of attendance, which includes all tuition and fees necessary for completion of the degree program coursework.

(c) [(b)] At least one institution of higher education in each system shall offer a competency-based baccalaureate degree program in one of the following high-demand fields:

(1) CIP 11 - Computer and Information Sciences and Support Services (e.g., computer science, data science, information security/cyber security);

(2) CIP 51 - Health Professions and Related Programs (e.g., nursing, health services, health administration);

(3) CIP 27 - Mathematics and Statistics;

(4) CIP 30.70 Data Science, CIP 30.71 Data Analytics, or CIP 30.08 Mathematics and Computer Science, or;

(5) Any other degree program approved by the Commissioner based on available data demonstrating the program leads to employment in a high-demand field.

(d) [(e)] A competency-based baccalaureate degree program offered under this section is subject to the planning notification required by §2.113 of this subchapter (relating to Submission of Planning Notification), approval required under §2.114 of this subchapter (relating to Approval Required), and §2.4 of this chapter (relating to Types of Approval Required) [2.4 of this chapter (relating to Approval Required)].

(e) [(d)] A competency-based baccalaureate degree program offered under this section is subject to the criteria requirements [for approval] under §2.117 of this subchapter (relating to Criteria for New Baccalaureate and Master's Degrees).

(f) [(e)] An institution may not charge more than the direct cost of attendance as prescribed in Chapter 13, Subchapter G, §13.130 [total tuition provided in chapter 13, subchapter G] of this title (relating to Tuition and Fees) [for a degree program offered under this section].

[(f)] This rule applies to each system beginning with the 2026 - 2027 academic year. A system that does not currently offer a competency-based degree in a high-demand field as set out in this section shall submit a planning notification for approval of a program not later than July 1, 2026.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 2, 2026.

TRD-202604216

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: November 15, 2026

For further information, please call: (512) 427-6226



CHAPTER 4. RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN TEXAS

SUBCHAPTER F. CLERY ACT COMPLIANCE

19 TAC §§4.120 - 4.124

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter F, §§4.120 - 4.124, concerning Clery Act Compliance. Specifically, the new sections will create

rules to facilitate compliance with the Clery Act to implement recent legislation.

Texas Education Code, §61.070, provides the Coordinating Board with the authority to adopt rules on the timely issuance of emergency warnings.

Rule 4.120, Policy, creates a requirement that institutions of higher education create policies on the issuance of campus wide warnings.

Rule 4.121, Types of Notifications, describes the two types of emergency warnings.

Rule 4.122, Timing of Warnings, outlines requirements for when warnings must be issued.

Rule 4.123, Methods, describes the methods that should be used to issue warnings.

Rule 4.124, Testing, requires that the system be tested once each semester.

Andy MacLaurin, Assistant Commissioner for Funding and Financial Aid, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Andy MacLaurin, Assistant Commissioner for Funding and Financial Aid, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the sections will be to comply with recent legislation. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rules or information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research or analysis, may be submitted to Andy MacLaurin, Assistant Commissioner for Funding and Financial Aid, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be ac-

cepted for 30 days following publication of the proposal in the *Texas Register*.

The new sections are proposed under Texas Education Code, Section 61.070, which provides the Coordinating Board with the authority to adopt rules on the timely issuance of emergency warnings.

The proposed new sections affect Texas Education Code, Section 61.070.

§4.120. Policy.

Institutions of Higher Education shall adopt policies to govern the issuance of campus wide warnings on their campuses pursuant to the Clery Act, (20 U.S.C. Section 1092(f) with implementing regulations found at 34 CFR 668.46), Texas Education Code, §51.218, and the guidelines set out in this subchapter.

§4.121. Types of Notifications.

Institutions of higher education shall issue two types of notifications in conjunction with the Clery Act.

(1) Timely Warning:

(A) to appraise the campus, as it is defined in the implementing regulations of Clery Act, 34 CFR 668.46(a), of a continuous or ongoing threat;

(B) must include, at a minimum:

- (i) date of incident(s) prompting the warning;
- (ii) nature of incident(s);
- (iii) location of incident(s);
- (iv) prevention tips; and
- (v) information on how to report a similar occurrence;

(C) must be designed to reach entire campus community, which includes students, faculty, staff, and independent contractors who have a regular presence on campus.

(2) Emergency Notification:

(A) to warn the campus community of an immediate threat or danger to health and safety to the members of the campus community or a group within the campus community;

(B) must include, at a minimum:

- (i) information about the nature of the emergency and what changes one needs to make immediately as a result;
- (ii) immediate action steps, if necessary, which may include evacuation orders, shelter in place orders, or restriction of access to buildings or areas; and
- (iii) assurance that an all-clear will be sent when the emergency is over;

(C) may be limited to affected area or group if only part of the campus is affected;

(D) must withhold the names and identifying information of victims.

§4.122. Timing of Warnings.

(a) Both Timely Warnings and Emergency Notifications shall be issued as soon as pertinent information is available and confirmed that meets the standards set forth in §4.121 of this subchapter (relating to Types of Notifications).

(b) If, in the professional judgment of the person responsible for issuing the Timely Warning or Emergency Notification, such a communication will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, a communication will not be issued until such a communication will no longer compromise the emergency response so long as such delay will not endanger more individuals.

(c) An all clear message shall be issued via each method through which the original communication was issued once the threat has passed or subsided.

§4.123. Methods.

(a) Timely Warnings and Emergency Notifications shall be distributed by a method intended to reach the maximum number of people.

(b) These methods may include, but are not limited to, text messages, email, and if appropriate and feasible, mobile app push notifications and website banners.

§4.124. Testing.

(a) An institution shall test the emergency alert system established under Texas Education Code, §51.218, at least once during each fall and each spring semester.

(b) An institution shall document, for each test, a description of the exercise, the date and time of the exercise, and whether the exercise was announced or unannounced.

(c) An institution shall publicize its emergency notification procedures in conjunction with at least one test each calendar year.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 2, 2026.

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: November 15, 2026

For further information, please call: (512) 427-6495



CHAPTER 5. RULES APPLYING TO PUBLIC UNIVERSITIES, HEALTH-RELATED INSTITUTIONS, AND/OR SELECTED PUBLIC COLLEGES OF HIGHER EDUCATION IN TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §5.5

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 5, Subchapter A, §5.5, concerning Uniform Admission Policy. Specifically, Senate Bill 1241, 89th Texas Legislature, Regular Session, directed the Coordinating Board to conduct a study to identify each college entrance examination with sufficient rigor and reliability to be used as a criterion for admission to a general academic teaching institution and determine the score for each examination that demonstrates ade-

quate performance for purposes of admission to a general academic teaching institution. At its Quarterly Meeting on July 22, 2026, the Coordinating Board approved the report. The Coordinating Board convened a negotiated rulemaking committee to consider the proposed amendments to the rule. The committee reached a general consensus on the proposal, and the proposed rule substantively reflects the committee's determinations. The Coordinating Board will make reports of negotiated rulemaking committees available upon request.

Texas Education Code, §51.807, provides the Coordinating Board with the authority to adopt rules to implement the provisions of Texas Education Code, Chapters 51.803 - 51.805, concerning Uniform Admission.

Rule 5.5, Uniform Admission Policy, is amended to add the Classic Learning Test (CLT) and requisite scores as an option, in addition to SAT and ACT, for students who do not meet top 10% or 25% grade point average of the student's high school graduating class and Distinguished Level of Achievement requirements for automatic admission. Changes are effective for admissions starting fall 2028.

Carrie Gits, Assistant Commissioner for Student Success and Institutional Partnerships, has determined that for each year of the first five years the section is in effect, there will not be any fiscal implications to state or local government as a result of enforcing or administering the rule. There are no estimated reductions in costs to the state or local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Carrie Gits, Assistant Commissioner for Student Success and Institutional Partnerships, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be increased efficiency and effectiveness of student assessment and placement. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

- (1) the rule will not create or eliminate a government program;
- (2) implementation of the rule will not require the creation or elimination of employee positions;
- (3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rule will not require an increase or decrease in fees paid to the agency;
- (5) the rule will not create a new rule;
- (6) the rule will not limit an existing rule;
- (7) the rule will not change the number of individuals subject to the rule; and
- (8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Carrie Gits, Assistant Commissioner for Student Success and Institutional Partnerships, P.O. Box 12788, Austin, Texas 78701,

or Carrie.Gits@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under the Texas Education Code, Section 51.807, which provides the Coordinating Board with the authority to adopt rules to implement the provisions of Texas Education Code, Chapters 51.803- 51.805, concerning Uniform Admission.

The proposed amendment affects Texas Education Code, Sections 51.801 - 51.809.

§5.5. Uniform Admission Policy.

(a) Each public university shall admit first-time undergraduate students for each semester in accordance with Texas Education Code, §§51.801 - 51.809. Only The University of Texas at Austin shall admit students under Texas Education Code §51.803(a-1) - (a-5) and subsection (e) of this section.

(b) All applicants from Texas schools accredited by a generally recognized accrediting agency and who graduate in the top 10 percent of their high school class or who graduate in the top 25 percent of their high school class, to the extent the governing board of a general academic teaching institution has adopted such an admission policy, shall be admitted to a general academic teaching institution if the student meets the following conditions:

(1) The student has met one of the following:

(A) Successfully completed the distinguished level of achievement under the Foundation, Recommended, or Advanced High School Program from a Texas public high school as outlined under Texas Education Code, §28.025, as well as, 19 TAC §§74.63, 74.64, 74.73, and 74.74 (relating to the distinguished level of achievement under the Foundation, Recommended High School Program, or Distinguished Achievement High School Program--Advanced High School Program);

(B) Successfully completed a curriculum from a high school in Texas other than a public high school that is equivalent in content and rigor to the distinguished level of achievement under the Foundation, the Recommended, or Advanced High School Program as outlined under subsection (c) of this section; or

(C) Beginning with admissions for the 2028 Fall Semester, achieved the minimum scores on at least one of the college entrance examinations under clause (i), (ii), or (iii) of this subparagraph:

(i) Earned on the ACT assessment a minimum score of 18 on the English test, a minimum score of 22 on the Reading test, and a minimum score of 22 on the Math test; or a minimum combined score of 40 on the English and Reading tests and a minimum score of 22 on the Math test;

(ii) Earned on the SAT assessment a minimum score of 480 on the Evidence-Based Reading and Writing (EBRW) test and a minimum score of 530 on the mathematics test (no combined score);

(iii) Earned on the Classic Learning Test (CLT) assessment a minimum score of 40 on the Verbal Reasoning + Grammar/Writing test and a minimum score of 20 on the Quantitative Reasoning test.

~~{(C) Satisfied ACT's College Readiness Benchmarks on the ACT assessment; or}~~

~~{(D) Earned on the SAT assessment;}~~

~~[(i) if the SAT was administered prior to March 5, 2016, a combined critical reading (formerly "verbal") and mathematics score of 1070 with a minimum of 500 on the critical reading test and a minimum of 500 on the mathematics test; or]~~

~~[(ii) if the SAT was administered on or after March 5, 2016, a minimum score of 480 on the Evidence-Based Reading and Writing (EBRW) test and a minimum score of 530 on the mathematics test (no combined score); and]~~

(2) The student submitted an official high school transcript or diploma that must, not later than the end of the student's junior year, indicate whether the student has satisfied the requirements outlined under paragraph (1)(A) or (B) of this subsection.

(3) For applicants who graduate in the top 10 percent of their high school class and want to be considered for automatic admission under Texas Education Code, §51.803, the student must:

(A) Submit a complete application defined by the institution before the expiration of the institution's established deadline; and

(B) Have graduated from high school within the two years prior to the academic year for which the student is applying for admission.

(c) A student is considered to have satisfied the requirements of subsection (b)(1)(A) or (B) of this section if the student completed all or the portion of the distinguished level of achievement under the Foundation, Recommended, or Advanced High School Program of a curriculum equivalent in content and rigor, as applicable, that was available to the student. A student may be considered to have completed the distinguished level of achievement under the Foundation, Recommended, or Advanced High School curriculum if a student was unable to complete the remainder of the curriculum solely because courses necessary to complete the remainder were unavailable to the student at the appropriate times in the student's high school career as a result of course scheduling, lack of enrollment capacity, or another cause not within the student's control. The standards for determining whether a student has satisfied the requirements of this subsection include the following:

(1) For a student in a Texas public high school, the public high school providing to a Texas public institution of higher education the Academic Achievement Record or transcript outlined under subsection (b)(2) of this section must indicate, in a form and manner prescribed by the Commissioner of Higher Education, which may include electronic transcript submission and digital verification, whether the student has completed all or a portion of the distinguished level of achievement under the Foundation, Recommended, or Advanced High School Program or of the curriculum equivalent in content and rigor, as applicable, that was available.

(2) For a student in a Texas private high school, the private high school providing to a Texas public institution of higher education the transcript or diploma outlined under subsection (b)(2) of this section must:

(A) Be accredited by the Texas Private School Accreditation Commission or other accrediting organizations recognized by the Texas Education Agency; and

(B) Indicate, in a form and manner prescribed by the Commissioner of Higher Education, which may include electronic transcript submission and digital verification, whether the student has completed all or a portion of the distinguished level of achievement under the Foundation, Recommended, or Advanced High School Program or of the curriculum equivalent in content and rigor, as applicable, that was available.

(d) All applicants from high schools operated by the United States Department of Defense and who graduate in the top 10 percent of their high school class shall be admitted to a general academic teaching institution if the student meets the following conditions, or if subsection (c) of this section applies whether the student has completed the portion of the distinguished level of achievement under the Foundation, recommended, or advanced curriculum or of the curriculum equivalent in content and rigor, as applicable, that was available to the student:

(1) The student graduated from high school within the two years prior to the academic year for which the student is applying;

(2) The student is a Texas resident as defined in Texas Education Code, §54.052 or is entitled to pay tuition and fees at the rate provided for Texas residents for the term or semester to which the student is admitted;

(3) The student submitted a complete application as defined by the institution before the expiration of the institution's established deadline; and

(4) The student meets the curriculum or the ACT/SAT/CLT test score requirements as outlined under subsection (b)(1)(C) of this section.

(e) ~~[For the period beginning with the 2011-2012 academic year.]~~ The University of Texas at Austin is not required to admit applicants under this subchapter in excess of the number needed to fill 75 percent of first-time resident undergraduate students.

(f) High school rank for students seeking automatic admission to a general academic teaching institution on the basis of their class rank is determined and reported as follows: Class rank shall be the most recent available rank, based on a point in time no earlier than the end of the 11th grade, and shall be determined and reported by the high school or school district from which the student graduated or is expected to graduate as a specific number out of the total class size. The top 10 percent and top 25 percent of a high school class shall not contain more than 10 percent and 25 percent, respectively, of the total class size.

~~[(1) Most recent available class rank, based on a point in time no earlier than the end of the 11th grade, shall be used for admission decision-making.]~~

~~[(2) The top 10 percent and top 25 percent of a high school class shall not contain more than 10 percent and top 25 percent, respectively, of the total class size.]~~

~~[(3) The student's rank shall be reported by the applicant's high school or school district as a specific number out of a specific number total class size.]~~

~~[(4) Class rank shall be determined by the school or school district from which the student graduated or is expected to graduate.]~~

(g) A general academic teaching institution may limit the number of students admitted under this section if the number of applicants eligible and applying for admission to the institution under this section exceeds by more than 10 percent the average number of first-time freshmen admitted the previous two academic years. If an institution chooses to limit the number of students admitted under this section, it must ensure that:

(1) Students who graduate in the top 10 percent of their high school class are given admission priority over other applicants eligible under this section; [At least 97 percent of first-time freshmen admitted are in the top 10 percent of their high school class;] and

(2) Clear, written guidelines are established and applied for the selection of students from among those eligible under this section, consistent with Texas Education Code, Chapter 51, Subchapter U.

~~[(2) Clear guidelines are established for the selection of students based on one or a specified combination of the following methods:]~~

~~[(A) A lottery in which all students qualified for automatic admission have an equal chance for selection;]~~

~~[(B) Students are selected on a first-come, first-admitted basis following receipt of a complete application; or]~~

~~[(C) At least four or more criteria identified in Texas Education Code, §51.805 are used to select students admitted.]~~

(h) The 18 admissions factors outlined in Texas Education Code, §51.805(b) may be considered by a general academic teaching institution when an applicant is eligible for admission under the "other admissions" provision as described in Texas Education Code, §51.805, but only after the applicant has met the curriculum or the ACT/SAT/CLT test score requirements as outlined under subsection (b)(1)(C) of this section. Applicants participating in the minimum, recommended, or advanced high school program may be considered under the "other admissions" provision according to this subsection.

(i) Each public institution of higher education shall admit a student as an undergraduate if the student meets the following conditions:

(1) Is the child of a public servant listed in Texas Government Code, §615.003 who was killed or sustained a fatal injury in the line of duty according to requirements for verification outlined by the institution; and

(2) Meets the minimum admissions requirements established for purposes of this subsection by the governing board of the institution for high school or prior college-level grade point average and performance on standardized tests.

(j) The Board shall determine the composition of the entering class of first-time freshmen students admitted under this section, including race, ethnicity, and economic status, from data each general academic teaching institution submits to the Board through existing institutional reporting, including the Board's Coordinating Board Management (CBM) reports. A separate annual demographic report under this subsection is not required.

~~[(j) Each general academic teaching institution shall annually report to the Board the composition of the entering class of first-time freshmen students admitted under this section. The report shall include a demographic breakdown of the class including race, ethnicity, and economic status. Each general academic teaching institution shall provide this report to the Board annually on or before a date set by the Board.]~~

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 2, 2026.

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: November 15, 2026

For further information, please call: (512) 427-6541

CHAPTER 13. FINANCIAL PLANNING SUBCHAPTER G. TUITION AND FEES

19 TAC §13.130

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter G, §13.130, concerning Cost of Attendance Calculation for Competency-Based Baccalaureate Degree Programs. Specifically, this amendment will provide clarity to public institutions regarding the allowable threshold for what can be charged for a competency-based baccalaureate degree program offered under the provisions of Texas Education Code, §51.3535. This rule amendment is proposed in conjunction with a rule amendment in Chapter 2, Subchapter F, §2.118 (concerning Criteria for New Competency-Based Baccalaureate Degrees).

Texas Education Code, §51.3535, authorizes the Coordinating Board to adopt rules regarding competency-based baccalaureate degree programs.

Rule 13.130, Cost of Attendance Calculation for Competency-Based Baccalaureate Degree Programs, is amended by replacing the definition of "competency-based baccalaureate program" in subsection (b) to instead refer to a definition in §2.3, clarifying references throughout the rule to specifically refer to either "total cost of attendance" or "direct cost of attendance", and removing subsection (e). The net effect of these changes is to narrow the scope of the rule to the calculation of the maximum allowable direct cost of attendance itself, with any compliance-related considerations located in §2.118.

Andy MacLaurin, Assistant Commissioner for Funding and Financial Aid, has determined that for each of the first five years the section is in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rule. There are no estimated reductions in costs to the state or to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Andy MacLaurin, Assistant Commissioner for Funding and Financial Aid, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be clarity for institutions of higher education regarding the allowable threshold for what can be charged for a competency-based degree programs offered under the provisions of Texas Education Code, §51.3535. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

(1) the rule will not create or eliminate a government program;

(2) implementation of the rule will not require the creation or elimination of employee positions;

(3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;

- (4) the rule will not require an increase or decrease in fees paid to the agency;
- (5) the rule will not create a new rule;
- (6) the rule will not limit an existing rule;
- (7) the rule will not change the number of individuals subject to the rule; and
- (8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Andy MacLaurin, Assistant Commissioner for Funding and Financial Aid, P.O. Box 12788, Austin, Texas 78711-2788, or via email at FinAid@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, §51.3535, which provides the Coordinating Board with authority to adopt rules regarding certain competency-based baccalaureate degree programs.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter G.

§13.130. Cost of Attendance Calculation for Competency-Based Baccalaureate Degree Programs.

(a) Authority. Authority for this section is Texas Education Code, §51.3535, Responsibility of System Administration Regarding Competency-Based Education.

(b) Definitions. In addition to the words and terms defined in §13.1 of this chapter (relating to Definitions) and §13.121 of this subchapter (relating to Definitions), the following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Competency-Based Baccalaureate Degree Program--As defined in §2.3 of this title (relating to Definitions) [A baccalaureate degree program under which academic credit is awarded based solely on a student's attainment of competencies. The term may include a program that is organized around traditional course-based units, including for online or other distance education, that a student must earn for degree completion].

(2) Total Cost of Attendance [~~Cost of Attendance/Total Cost of Attendance~~]-An institution's estimate of the expenses incurred by a typical financial aid recipient in attending a particular institution of higher education. It includes direct educational costs (tuition and fees) as well as indirect costs (room and board, books and supplies, transportation, personal expenses, and other allowable costs for financial aid purposes).

(3) Direct Cost of Attendance--The tuition and fees necessary for completion of the degree program coursework. It includes direct educational costs, books and supplies, and technology and material fees.

(4) [(3)] Medical or Dental Unit--As defined in Texas Education Code, §61.003.

(5) [(4)] University System--As defined in Texas Education Code, §61.003.

(c) Applicability. The provisions of this section apply only to a general academic teaching institution or medical or dental unit associated with a university system in meeting the requirement to offer competency-based baccalaureate degree programs in high-demand fields of study under Texas Education Code, §51.3535.

(d) Calculation [~~Maximum Allowable Cost of Attendance~~]. The Coordinating Board shall annually determine and announce the maximum allowable direct cost of attendance for a competency-based baccalaureate degree program offered under Texas Education Code, §51.3535.

(1) For the 2026 - 2027 academic year, the amount will equal one-half of the average total cost of attendance for resident baccalaureate students at general academic teaching institutions or medical or dental units associated with a university system.

(2) Not later than the final day of January prior to the start of each subsequent fiscal year, the Coordinating Board shall determine and announce the amount for the forthcoming fiscal year, calculated by using the Consumer Price Index for the preceding twelve months, as calculated by the U.S. Bureau of Labor Statistics, to apply an inflationary adjustment to amount announced for the prior fiscal year.

[(e) The cost of attendance of a competency-based baccalaureate degree program offered under Texas Education Code, §51.3535, may not exceed the amount described by subsection (d) of this section for the applicable fiscal year.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 2, 2026.

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: November 15, 2026

For further information, please call: (512) 427-6495



PART 2. TEXAS EDUCATION AGENCY

CHAPTER 101. ASSESSMENT

SUBCHAPTER CC. COMMISSIONER'S RULES CONCERNING IMPLEMENTATION OF THE ACADEMIC CONTENT AREAS TESTING PROGRAM

DIVISION 1. IMPLEMENTATION OF ASSESSMENT INSTRUMENTS

19 TAC §101.3011

The Texas Education Agency (TEA) proposes an amendment to §101.3011, concerning implementation and administration of academic content area assessment instruments. The proposed amendment would remove the English II end-of-course requirement for alternative assessment instruments after the 2026-2027 school year and add a provision allowing for eligible virtual campuses and programs to administer state assessments remotely.

BACKGROUND INFORMATION AND JUSTIFICATION: Senate Bill (SB) 569, 89th Texas Legislature, Regular Session, 2025, repealed Texas Education Code (TEC), Chapter 30A, related to the Texas Virtual School Network; established Texas Education Code (TEC), Chapter 30B, creating a new policy framework for virtual and hybrid education; and provided a transition period for already existing courses, programs, and campuses.

Under TEC, Chapter 30B, school systems may offer virtual and hybrid instruction through a variety of models, including individual courses, programs, or full-time virtual and hybrid campuses. This breadth of options allows districts to align offerings with their instructional goals and operational capacity, whether by starting with targeted courses or implementing comprehensive models such as full-time virtual and hybrid programs and campuses.

The proposed amendment to §101.3011(c) would add the option for authorized virtual campuses and programs to administer state-required assessments remotely.

In addition, TEC, §39.023(c), as amended by House Bill (HB) 8, 89th Texas Legislature, 2nd Called Session, 2025, removed the English II end-of-course assessment from the list of required high school assessments. HB 8 established a new statewide assessment program to be implemented beginning with the 2027-2028 school year. Accordingly, the proposed amendment to §101.3011(b) would specify that the English II end-of-course assessment for students subject to assessment requirements remains in effect only through the 2026-2027 school year. Beginning in the 2027-2028 school year, the English II end-of-course assessment will be discontinued.

FISCAL IMPACT: Iris Tian, deputy commissioner of analytics, assessment and reporting, has determined that for the first five years the proposal is in effect, there are no fiscal implications for local government. While there will be additional costs to state government, these costs will be absorbed by the current budget for state assessments. The proposed amendment implements SB 569, 89th Texas Legislature, Regular Session, 2025, which created a new policy framework for virtual and hybrid education. The proposed amendment would add the option for virtual schools to administer state-required assessments remotely. The estimated cost to TEA to implement remote testing is \$105,200 per year during fiscal years 2027-2031.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by providing an additional option for eligible virtual campuses and programs to administer state-required assessments remotely. The proposed rulemaking would also limit an existing regulation by removing the English II assessment administration requirement after the 2026-2027 school year.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions;

would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. Tian has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to provide authorized virtual campuses and programs with the option to test students remotely. Allowing remote testing for authorized virtual schools would improve access to state assessments and increase participation by removing geographic and logistical barriers that can be especially challenging for rural, medically fragile, and economically disadvantaged students and their families. Remote testing also better aligns with how virtual students receive instruction and supports a more efficient and consistent approach to administering assessments statewide. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins October 16, 2026, and ends November 16, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on October 16, 2026. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendment is proposed under TEC, §39.023, as amended by HB 1416, 88th Texas Legislature, Regular Session, 2023; SB 1418, 89th Texas Legislature, Regular Session, 2025; and HB 8, 89th Texas Legislature, 2nd Called Session, 2025, which requires the agency to adopt or develop appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills in reading, writing, mathematics, social studies, and science; and TEC, §39.025, as amended by HB 1416, 88th Texas Legislature, Regular Session, 2023; SB 1418, 89th Texas Legislature, Regular Session, 2025; and HB 8, 89th Texas Legislature, 2nd Called Session, 2025, which requires the commissioner to adopt rules requiring a student in the foundation high school program to be administered an end-of-course assessment instrument.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §39.023 and §39.025, as amended by HB 1416, 88th Texas Legislature, Regular Session,

2023; SB 1418, 89th Texas Legislature, Regular Session, 2025; and HB 8, 89th Texas Legislature, 2nd Called Session, 2025.

§101.3011. Implementation and Administration of Academic Content Area Assessment Instruments.

(a) The Texas Education Agency (TEA) shall administer each assessment instrument under Texas Education Code (TEC), §39.023(a), (b), (c), and (l), in accordance with the rules governing the assessment program set forth in this chapter [~~Chapter 104 of this title (relating to Assessment)~~].

(1) For purposes of federal accountability as allowed by subsection (d) of this section, a Grade 3-8 student shall not be administered a grade-level assessment if the student:

(A) is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under TEC, §39.023(a), that aligns with the curriculum for that course or subject within the same content area; or

(B) is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an end-of-course assessment instrument developed under TEC, §39.023(c), that aligns with the curriculum for that course or subject within the same content area.

(2) For purposes of federal accountability as allowed by subsection (d) of this section, a Grade 3-8 student who is accelerated in mathematics, reading/language arts, or science and on schedule to complete the high school end-of-course assessments in that same content area prior to high school shall be assessed at least once in high school with the ACT® or the SAT®.

(3) A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is on schedule to complete instruction in the entire curriculum for that subject during the semester the assessment is administered.

(4) A student shall be administered the assessments under TEC, §39.023(a), (c), and (l), online as required by TEC, §39.0234, except for a student:

(A) who requires specific accommodations that cannot be provided online as specified in the test administration materials; or

(B) who is enrolled in a school district or open-enrollment charter school that opts to offer paper administrations of assessments to students whose parent, guardian, or teacher in the applicable subject area requests a paper administration of an assessment. Requests for such paper administrations must be submitted to the school district or open-enrollment charter school by the dates indicated in TEC, §39.02342(b). Requests for these paper administrations from a district or charter school may not exceed 3% of eligible students enrolled in the district or charter school who are administered each assessment.

(b) [The] TEA shall administer alternative assessment instruments under TEC, §39.023(b), that correspond to:

(1) the assessment instruments required under TEC, §39.023(a); [and]

(2) the following assessment instruments required under TEC, §39.023(c): English I, [English II,] Algebra I, biology, and U.S. history; and [-]

(3) the English II end-of-course assessment required under TEC, §39.023(c), for eligible students through the 2026-2027 school year.

(c) Test administration procedures shall be established by [the] TEA in the applicable test administration materials. A school district, an open-enrollment charter school, or a private school administering the tests required by TEC, Chapter 39, Subchapter B, shall follow procedures specified in the applicable test administration materials. The following entities may administer assessments required under TEC, Chapter 39, Subchapter B, remotely in accordance with procedures specified in the applicable test administration materials:

(1) a full-time virtual campus as defined by TEC, §30B.001(3);

(2) a full-time virtual program as defined by TEC, §30B.001(4); and

(3) a full-time virtual campus of a school district or open-enrollment charter school that in the 2026-2027 school year operates in accordance with TEC, Chapter 30A, as that law existed before the effective date of Senate Bill 569, §15(a), 89th Texas Legislature, Regular Session, 2025.

(d) In accordance with TEC, §39.023(a)(5), [the] TEA shall administer to students assessments in any other subject and grade required by federal law.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

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



PART 7. STATE BOARD FOR EDUCATOR CERTIFICATION

CHAPTER 231. REQUIREMENTS FOR PUBLIC SCHOOL PERSONNEL ASSIGNMENTS SUBCHAPTER A. CRITERIA FOR ASSIGNMENT OF PUBLIC SCHOOL PERSONNEL

19 TAC §231.1

The State Board for Educator Certification (SBEC) proposes an amendment to 19 Texas Administrative Code (TAC) §231.1, concerning criteria for assignment of public school personnel. The proposed amendment would clarify requirements related to the criteria for school districts to make personnel assignments based on the correlating certification requirements.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 231 establish the personnel assignments that correlate with appropriate certifications. Subchapters in this chapter offer guidance to school districts and educators by providing the list of courses by grade level and subject area and identifying the corresponding certificates and other requirements for the placement of individuals into classroom and/or campus assignments. This information assists districts

with hiring and personnel assignment decisions. Subchapter A, Criteria for Assignment of Public School Personnel, provides a set of criteria to support district personnel decision-making when assigning public school personnel.

In February 2025, the SBEC adopted revisions to 19 TAC Chapter 231, Requirements for Public School Personnel Assignments, Subchapter F, Special Education-Related Services Personnel Assignments, that updated requirements for placement into special education-related personnel assignments.

The proposed amendment to 19 TAC Chapter 231, Subchapter A, would ensure alignment with Subchapter F.

Subchapter A. Criteria for Assignment of Public School Personnel

§231.1. Criteria for Assignment of Public School Personnel

The proposed amendment to §231.1 would strike subsection (c) to ensure that stakeholders refer to the appropriate sections of the chapter for specific personnel assignment requirements.

FISCAL IMPACT: Jessica McLoughlin, associate commissioner for educator preparation and talent development, has determined that for the first five years of enforcing or administering the rules, the proposal does not have foreseeable implications relating to cost or revenue of state or local governments. There are no additional costs to entities required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §2007.043.

GOVERNMENT GROWTH IMPACT: Texas Education Agency (TEA) staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would repeal an existing regulation to align with existing, more specific regulations already in rule.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not expand or limit an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Jessica McLoughlin, associate commissioner for educator preparation and talent development, has determined that for the first five

years the proposal is in effect, the public benefit anticipated would be aligning the rules with statute and reflecting current procedures. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no new data and reporting impact.

ENVIRONMENTAL IMPACT: The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: TEA staff has determined the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per TGC, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins October 16, 2026, and ends November 16, 2026. A form for submitting public comments is available on the TEA website at <https://tea.texas.gov/laws-and-rules/sbec-rules-tac/proposed-state-board-educator-certification-rules>. Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the December 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires SBEC to propose rules that provide for the regulation of educators and the general administration of TEC, Chapter 21, Subchapter B, in a manner consistent with TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The amendment implements TEC, §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.1. Criteria for Assignment of Public School Personnel.

(a) A public school employee must have the appropriate credentials for his or her current assignment specified in this chapter and in other rules of the State Board for Educator Certification (SBEC), unless the appropriate permit has been issued under Chapter 230, Subchapter F, of this title (relating to Permits).

(b) The assignment requirements in this chapter apply to the holders of certificates issued on the basis of 1955, 1972, 1984, and 1987 Standards for Teacher Education as well as certificates issued on the

basis of standards aligned with the Texas essential knowledge and skills curriculum, adopted by the State Board of Education, as specified in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).

~~[(e)]~~ An elementary certificate may be appropriate for teaching high school students if the level of instruction is comparable to that in elementary grades. When such an assignment is made, course outlines must be maintained in the school district files.]

~~(c)~~ ~~[(d)]~~ Professional personnel employed in federally funded programs and innovative programs must have the qualifications and meet the assignment requirements specified in this chapter and in other rules of the SBEC.

~~(d)~~ ~~[(e)]~~ The assignment requirements in this chapter apply to substitute teachers. If a school district must employ a substitute teacher who is not certified, the district must ensure the individual has the appropriate knowledge and skills to serve in the assignment. A list of the substitute teachers shall be retained in the school district files.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

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



TITLE 25. HEALTH SERVICES

PART 1. DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 3. ADVISORY COMMITTEES, COUNCILS, AND BOARDS

25 TAC §3.7

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), proposes new §3.7, concerning the Texas Radiation Advisory Board (TRAB).

BACKGROUND AND PURPOSE

The purpose of the proposal is to improve public access to DSHS advisory committee, council, task force, and board rules by moving all advisory committee, council, task force, and board rules into a single chapter. The current TRAB rule is repealed from 25 Texas Administrative Code (TAC) Chapter 289 and relocated in 25 TAC Chapter 3. The repeal is published elsewhere in this issue of the *Texas Register*. The new TRAB rule is updated to align with the Health and Human Services advisory committee rule template.

SECTION-BY-SECTION SUMMARY

Proposed new §3.7(a), (b), and (c) provide the applicable statutes governing the TRAB, its purpose, and tasks the TRAB performs.

Proposed new §3.7(d) provides the requirements for submitting an annual written report.

Proposed new §3.7(e) provides the meeting, frequency, and quorum requirements. It also includes how the public can participate in a meeting and the documentation requirements.

Proposed new §3.7(f) provides the membership requirements of the TRAB.

Proposed new §3.7(g) describes how the officers are selected and terms of office.

Proposed new §3.7(h) establishes training requirements for the TRAB.

Proposed new §3.7(i) provides for the establishment of subcommittees by the TRAB.

Proposed new §3.7(j) outlines attendance requirements for TRAB members.

Proposed new §3.7(k) establishes procedures for board meetings.

Proposed new §3.7(l) provides for reimbursement of expenses for TRAB members.

Proposed new §3.7(m) adds an abolishment subsection. The TRAB is established by Chapter 401 and has no abolition date.

FISCAL NOTE

Christy Havel Burton, Chief Financial Officer, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

DSHS has determined that during the first five years that the rule will be in effect:

- (1) the proposed rule will not create or eliminate a government program;
- (2) implementation of the proposed rule will not affect the number of DSHS employee positions;
- (3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;
- (4) the proposed rule will not affect fees paid to DSHS;
- (5) the proposed rule will not create a new regulation;
- (6) the proposed rule will not expand, limit, or repeal an existing regulation;
- (7) the proposed rule will not change the number of individuals subject to the rule; and
- (8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Christy Havel Burton has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rule does not apply to small or micro-businesses, or rural communities.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule is necessary to protect the health, safety, and welfare of the residents of Texas and does not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Timothy Stevenson, Deputy Commissioner, Consumer Protection Division, has determined that for each year of the first five years the rule is in effect, the public benefit will be improved access to uniformly formatted DSHS advisory committee, council, task force, and board rules located in a single chapter.

Christy Havel Burton has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because the proposal does not impose requirements on private individuals or businesses.

TAKINGS IMPACT ASSESSMENT

DSHS has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHSRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R063" in the subject line.

STATUTORY AUTHORITY

The new section is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, Texas Health and Safety Code §1001.075, which authorizes the executive commissioner of HHSC to adopt rules and policies for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001, Texas Health and Safety Code §401.015 through §401.019, which establishes the Texas Radiation Advisory Board and authorizes rules necessary for its operation, and Texas Government Code Chapter 2110, which governs state agency advisory committees.

The new section affects Texas Government Code §524.0151, Chapter 2110 and Texas Health and Safety Code Chapter 1001 and §401.015 through §401.019.

§3.7. Texas Radiation Advisory Board.

(a) Statutory authority. The Texas Radiation Advisory Board (TRAB) is established under Texas Health and Safety Code §401.015 and is subject to Texas Government Code Chapter 2110.

(b) Purpose. TRAB advises the executive commissioner, the Texas Department of State Health Services (DSHS), the Railroad Commission of Texas (RRC), the Texas Commission on Environmental Quality (TCEQ), and other state agencies concerning state radiation policies and programs.

(c) Tasks. TRAB:

(1) reviews and evaluates state radiation policies and programs;

(2) makes recommendations and furnishes technical advice to DSHS, RRC, TCEQ, and other state agencies relating to development, use, and regulation of radiation sources;

(3) reviews proposed rules and guidelines of any state agency related to the regulation of sources of radiation and recommends changes in proposed or existing rules and guidelines relating to those matters;

(4) develops and implements policies that provide the public with a reasonable opportunity to appear before TRAB and to speak on any issue under the jurisdiction of TRAB; and

(5) adopts bylaws to guide TRAB's operation.

(d) Reporting requirements. By December 31 of each year, TRAB files an annual written report with the executive commissioner summarizing the meetings and activities from the previous fiscal year. The report includes:

(1) a list of the meeting dates;

(2) the members' attendance records;

(3) a brief description of actions taken by TRAB;

(4) a description of how TRAB accomplished its tasks;

(5) a description of activities TRAB anticipates undertaking in the next fiscal year;

(6) recommended amendments to this section; and

(7) the costs related to TRAB, including the cost of DSHS staff time spent supporting TRAB's activities and the source of funds used to support the board's activities.

(e) Meetings.

(1) Open meetings. TRAB is not a "governmental body" as defined in the Open Meetings Act. However, to promote public participation, each TRAB meeting is announced and conducted per the Open Meetings Act, Texas Government Code Chapter 551, except provisions allowing executive sessions.

(2) Frequency. TRAB meets quarterly on dates set by TRAB.

(A) A special meeting may be called by the chairperson or at least five members.

(B) Meetings are arranged and supported by DSHS staff.

(C) Members of TRAB will be provided timely notice of each meeting.

(3) Quorum. A simple majority of all members constitutes a quorum to transact official business. TRAB is authorized to conduct

official business only when in a legally constituted meeting with a quorum present.

(4) Public comment. The agenda for each TRAB meeting includes an item titled Public Comment, under which any person will be allowed to address TRAB on matters relating to TRAB business. The chairperson may establish procedures for public comment, including a time limit on each comment.

(5) Documentation. A record of each TRAB meeting must be made as specified in subsection (k)(4) of this section.

(f) Membership.

(1) TRAB includes 19 members appointed by the Governor:

(A) one representative from industry who is trained in nuclear physics, science, or nuclear engineering;

(B) one representative from labor;

(C) one representative from agriculture;

(D) one representative from the insurance industry;

(E) one individual who is engaged in the use and application of nuclear physics in medicine and is certified by the American Board of Radiology or licensed by the Texas Medical Board (TMB) under Texas Occupations Code Chapter 602;

(F) one hospital administrator;

(G) one individual licensed by the TMB who specializes in nuclear medicine;

(H) one individual licensed by the TMB who specializes in pathology;

(I) one individual licensed by the TMB who specializes in radiology;

(J) one representative from the nuclear utility industry;

(K) one representative from the radioactive waste industry;

(L) one representative from the petroleum industry;

(M) one health physicist certified by the American Board of Health Physics;

(N) one individual licensed by the State Board of Dental Examiners;

(O) one representative from the uranium mining industry;

(P) one individual licensed by the State Board of Veterinary Medical Examiners; and

(Q) three representatives of the public.

(2) Members are appointed for staggered terms so the terms of an equal or almost equal number of members will expire at the end of each term. Regardless of the term limit, a member serves until a replacement has been appointed. This ensures sufficient, appropriate representation.

(A) If a vacancy occurs, the Governor will appoint an individual to serve the unexpired portion of the term.

(B) The term of each member is six years, except the term may be less than six years as necessary to stagger terms. A member may apply to serve one additional term.

(C) An individual is not eligible to be appointed as a representative of the public if that individual or individual's spouse is employed:

(i) in the health care field; or

(ii) by, participates in the management of, or has a financial interest, other than as a consumer in:

(I) any part of the nuclear utility industry; or

(II) a business entity or other organization that is licensed under Texas Health and Safety Code Chapter 401, Subchapter F or Subchapter G.

(g) Officers. The Governor designates a member of TRAB as the chairperson to serve at the will of the Governor. TRAB elects from its members a vice-chairperson and secretary.

(1) The chairperson serves until the first quarterly meeting of the fiscal year of each even-numbered year. The vice-chairperson serves until the first quarterly meeting of the fiscal year of each odd-numbered year.

(2) A member serves no more than two consecutive terms as chairperson or vice-chairperson.

(3) The chairperson presides over all TRAB meetings, calls meetings as specified in this section, appoints subcommittees of TRAB as necessary, and ensures accurate reports are made to TRAB. The chairperson may serve as an ex-officio member of any subcommittee of TRAB.

(4) The vice-chairperson performs the duties of the chairperson, in the event of an absence or the disability of the chairperson. If the position of the chairperson becomes vacant, the vice-chairperson will serve until a successor is appointed to complete the unexpired portion of the chairperson's term.

(5) A vacancy in the office of vice-chairperson or secretary is filled at the next TRAB meeting.

(h) Required training. Each member must complete training on relevant laws and rules, including this section; Texas Government Code Chapters 551, 552, 2001, and 2110; the HHS Ethics Policy; the Advisory Committee Member Code of Conduct; and other relevant HHS policies. Training will be provided by DSHS.

(i) Subcommittees. TRAB may establish subcommittees to assist in carrying out its duties.

(1) The chairperson may appoint members to serve on subcommittees and to act as subcommittee chairpersons. The chairperson may also appoint nonmembers of TRAB to serve on subcommittees, as the need for additional expertise arises.

(2) Subcommittees must meet when called by the subcommittee chairperson or when directed by TRAB.

(3) The subcommittee chairperson makes regular reports to TRAB at each meeting or in interim written reports, as needed. The reports include an executive summary or minutes of each subcommittee meeting.

(j) Attendance. Members must attend TRAB meetings as scheduled. Members must attend and participate in meetings of subcommittees to which the members are assigned.

(1) A member must notify the chairperson or appropriate DSHS staff if the member is unable to attend a scheduled meeting.

(2) A member may be removed from TRAB if the member cannot discharge duties for a substantial part of the appointed term

because of illness or disability; or if absent from more than half of the TRAB meetings during a calendar year, without an excuse approved by a majority vote of the TRAB.

(3) The validity of a TRAB action is not affected by the fact that it is taken when grounds for removal of a member exist.

(k) Procedures. Robert's Rules of Order, Newly Revised, is the basis of parliamentary decisions except where otherwise provided by law or rule.

(1) Any action taken by TRAB must be approved by a majority vote of the members present, once a quorum is established.

(2) Each member may vote once during any call for votes.

(3) A member may not authorize another individual to represent the member by proxy.

(4) Minutes of each TRAB meeting will be taken by DSHS staff. A summary of the meeting is provided to each TRAB member before the next meeting.

(l) Reimbursement for expenses. A member may receive reimbursement for the member's expenses incurred for each day the member engages in official TRAB business as specified in Texas Government Code Chapter 2110.

(1) Compensatory per diem is not paid to members unless required by law. Members are reimbursed for travel, meals, lodging, and incidental expenses to the extent allowed by the current General Appropriations Act. A member may be reimbursed for travel to and from meetings if funds are appropriated and available and it complies with the DSHS Travel Policy.

(2) A member who is an employee of a state agency, other than DSHS, may not receive reimbursement for expenses from DSHS, if the member is reimbursed by that state agency.

(3) A nonmember of TRAB who is appointed to serve on a subcommittee may not receive reimbursement for expenses from DSHS.

(4) Each member to be reimbursed for expenses must submit receipts for expenses and any required official forms to DSHS within 14 days after each TRAB meeting.

(5) Requests for reimbursement of expenses must be made on official state travel vouchers prepared by DSHS staff.

(m) Date of abolishment. TRAB is required by statute and will continue as long as the state law that requires it remains in effect.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on September 30, 2026.

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Cynthia Hernandez

General Counsel

Department of State Health Services

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For further information, please call: (512) 834-6655



CHAPTER 289. RADIATION CONTROL

SUBCHAPTER C. TEXAS REGULATIONS FOR CONTROL OF RADIATION

25 TAC §289.130

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), proposes the repeal of §289.130, concerning Radiation Advisory Board (Board).

BACKGROUND AND PURPOSE

The purpose of the proposal is to improve public access to DSHS advisory committee, council, task force, and board rules by moving all advisory committee, council, task force, and board rules into a single chapter. The current Board rule is repealed from 25 Texas Administrative Code (TAC) Chapter 289 and a new rule is proposed in 25 TAC Chapter 3. The new rule is published elsewhere in this issue of the *Texas Register*.

FISCAL NOTE

Christy Havel Burton, Chief Financial Officer, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

DSHS has determined that during the first five years that the rule will be in effect:

- (1) the proposed rule will not create or eliminate a government program;
- (2) implementation of the proposed rule will not affect the number of DSHS employee positions;
- (3) implementation of the proposed rule will result in no assumed change in future legislative appropriations to DSHS;
- (4) the proposed rule will not affect fees paid to DSHS;
- (5) the proposed rule will not create a new regulation;
- (6) the proposed rule will not expand, limit, or repeal an existing regulation;
- (7) the proposed rule will not change the number of individuals subject to the rule; and
- (8) the proposed rule will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Christy Havel Burton has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rule does not apply to small or micro-businesses, or rural communities.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule is necessary to protect the health, safety, and welfare of the residents of Texas and does not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Timothy Stevenson, Deputy Commissioner, Consumer Protection Division, has determined that has determined that for each year of the first five years the rule is in effect, the public benefit will improve access to uniformly formatted DSHS advisory committee, council, task force, and board rules located in a single chapter.

Christy Havel Burton has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because the proposal does not impose requirements on private individuals or businesses.

TAKINGS IMPACT ASSESSMENT

DSHS has determined that the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHSRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R063" in the subject line.

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system, Texas Health and Safety Code §1001.075, which authorizes the executive commissioner of HHSC to adopt rules and policies for the operation and provision of health and human services by DSHS and for the administration of Texas Health and Safety Code Chapter 1001, Texas Health and Safety Code §401.015 through §401.019, which establishes the Texas Radiation Advisory Board and authorizes rules necessary for its operation, and Texas Government Code Chapter 2110, which governs state agency advisory committees.

The repeal affects Texas Government Code §524.0151, Chapter 1001, and Texas Health and Safety Code Chapter 1001 and §401.015 through §401.019.

§289.130. *Radiation Advisory Board.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on September 30, 2026.

TRD-202604194

Cynthia Hernandez

General Counsel

Department of State Health Services

Earliest possible date of adoption: November 15, 2026

For further information, please call: (512) 834-6655



TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 3. TAX ADMINISTRATION

SUBCHAPTER O. STATE AND LOCAL SALES AND USE TAXES

34 TAC §3.330

The Comptroller of Public Accounts proposes amendments to §3.330, concerning data processing services. The amendments are required by the previous 2025 amendment to this section that included marketplace provider services in the definition of data processing services. The transaction fees charged by the marketplace providers are commissions, not data processing services. Therefore, the comptroller deletes subsection (b)(5), rennumbers subsequent paragraphs accordingly, and adds new subsection (j) to reflect that platform fees are not data processing services. The "platform provider" definition in subsection (j)(1)(C) is intentionally broader than the definition of "marketplace provider" in Tax Code, §151.0242 because a platform under this subsection may facilitate the sale of an item regardless of whether the item is a taxable item.

The comptroller's interpretation in subsection (j) becomes effective on the date this amendment is adopted. Further refinement of the data processing services definition may be made in future amendments.

Tetyana Melnyk, Chief Revenue Estimator, has determined that during the first five years that the proposed amendments are in effect, the amended rule: will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will not increase or decrease the number of individuals subject to the rule's applicability; and will not have significant effect on this state's economy.

Ms. Melnyk also has determined that the proposed amendments would benefit the public by reducing costs and uncertainty for businesses. This rule is proposed under Tax Code, Title 2, and does not require a statement of fiscal implications for small businesses or rural communities. The proposed amendments would result in losses to General Revenue Fund 0001 of \$17,920,000 in fiscal year 2027, \$19,210,000 in fiscal year 2028, \$20,550,000 in fiscal year 2029, \$21,990,000 in fiscal year 2030, \$23,530,000 in fiscal year 2031, and \$25,180,000 in fiscal year 2032. Losses to units of local governments, including municipalities, counties, and transit authorities would be \$5,180,000 in fiscal year 2027, \$5,540,000 in fiscal year 2028, \$5,940,000 in fiscal year 2029, \$6,340,000 in fiscal year 2030, \$6,800,000 in fiscal year 2031, and \$7,280,000 in fiscal year 2032.

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including any applicable data, research or analysis, to Robin Robinson, Associate Deputy Comptroller for Tax, P.O. Box 13528 Austin, Texas 78711 or to the email address: Robin.Robinson@cpa.texas.gov. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the proposal in the *Texas Register*.

The amendments are proposed under Tax Code, §111.002 (Comptroller's Rules; Compliance; Forfeiture), which provides the comptroller with the authority to prescribe, adopt, and enforce rules relating to the administration and enforcement of the provisions of Tax Code, Title 2 (State Taxation).

The amendments implement Tax Code, §151.0101 (Taxable Services).

§3.330. Data Processing Services.

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Data processing service--the computerized entry, retrieval, search, compilation, manipulation, or storage of data or information.

(A) Data processing service includes:

- (i) word processing;
- (ii) payroll and business accounting data production;
- (iii) the performance of a totalizer service with the use of computational equipment required by Occupations Code, Subtitle A-1, Title 13, (Texas Racing Act); and
- (iv) the use of a computer or computer time for data processing whether the processing is performed by the provider of the computer or computer time or by the purchaser or other beneficiary of the service.

(B) Data processing services do not include:

- (i) Internet access service as defined by Tax Code, §151.00394 (Internet access service);
- (ii) the transcription of medical dictation by a medical transcriptionist;
- (iii) the display of a classified advertisement, banner advertisement, vertical advertisement, or link on an Internet website owned by another person;
- (iv) services exclusively to encrypt electronic payment information for acceptance onto a payment card network that allows a person to accept a specific brand of debit or credit card by routing information and data to settle an electronic payment transaction, to comply with standards set by the Payment Card Industry Security Standards Council; or
- (v) settling of an electronic payment transaction by:
 - (I) a downstream payment processor or point of sale payment processor or point of sale payment processor that routes electronic payment information to an entity described in subclause (II) or (III) of this clause;
 - (II) a federally insured financial institution, as defined by Finance Code, §201.101 (Definitions), that is organized under the laws of Texas, another state, or the United States, or an affiliate of the institution;

(III) a payment card network that allows a person to accept a specific brand of debit or credit card by routing information and data to settle an electronic payment transaction;

(IV) a person who has entered into a sponsorship agreement with an entity described in subclause (II) of this clause for the purpose of processing that entity's electronic payment transactions through a payment card network; or

(V) a person who is engaged in the business of money transmission and required to obtain a license under Finance Code, §152.101 (Money Transmission License Required).

(C) Under its exclusive jurisdiction to interpret taxable services, the comptroller excludes from the definition of "data processing service," data processing that is sold for a single charge with another service if the data processing service does not have a separate value, and the data processing service is ancillary to the other service. The burden is on the taxpayer to demonstrate that the data processing service does not have a separate value and is ancillary to the other service.

(i) If the data processing service is sold for a single charge with another service that does not have a separate value, and the other service is ancillary to the data processing service, the entire charge will be taxable as a data processing service.

(ii) If the data processing service is sold for a single charge with another service that has a separate value, subsection (c) of this section applies.

(iii) In determining whether the data processing service and the other service have separate values, the comptroller will consider whether the services are distinct and identifiable and whether each service is of a type that is commonly provided on a stand-alone basis or commonly provided as an additional service for a greater single charge.

(iv) In determining whether the data processing service is ancillary to another service, or conversely, whether the other service is ancillary to the data processing service, the comptroller may consider the extent to which the service provider exercises discretion or judgment in individual applications of the processed data based on knowledge of the physical sciences, accounting principles, law, or other fields of study. The routine or repetitive manipulation of data by the seller is a factor suggesting that the data processing activity is not ancillary to another service and should be taxable as a data processing service. The manipulation of data that depends on the external knowledge and discretionary judgment of the service provider in individual applications suggests that the data processing activity is ancillary to another service and should not be taxable as a data processing service. The provider's skill, experience, or expertise, in processing data or information is not a factor. Other factors may be considered, and the weight of the factors may vary from case to case. The evaluation is based on what the service provider is doing, not on what the customer wants.

(2) Downstream payment processor--A payment processor that acts as an intermediary between a consumer-facing entity that has incurred an outstanding money transmission obligation to a consumer, and the consumer's designated recipient.

(3) Point of sale payment processor--A payment processor that receives funds from a consumer on behalf of a consumer-facing entity that either sells goods or services other than money services or accepts charitable donations.

(4) Settling of an electronic payment transaction--The authorization, clearing, or funding of a payment made by credit card, debit

card, gift card, stored value card, electronic check, virtual currency, loyalty program currency such as points or miles, or a similar method. The term does not include charges by a marketplace provider, as that term is defined by Tax Code, §151.0242 (Marketplace Providers and Marketplace Sellers).

(b) Examples of services that are and are not taxable data processing services.

(1) Payroll services, such as maintaining records of employee work time, computing and preparing payroll checks, filing payroll tax returns, and completing pre-printed employee-related forms such as W-2s, are taxable data processing services because they involve the routine and repeated simultaneous application of the same process to different data. The service provider's skill, experience, or expertise with payroll documents is not determinative.

(2) The production of business accounting data, such as inventory reports, is a taxable data processing service because it involves the routine and repeated simultaneous application of the same process to different data. The service provider's skill, experience, or expertise with business reports is not determinative.

(3) The preparation of financial statements kept in accordance with generally accepted accounting principles, is not a taxable data processing service, even though it has elements of data processing, because the categorization and characterization of the data is variable and depends upon the discretion and certified opinion of an accounting professional. For example, the use of a computer by a certified accounting firm, enrolled agent, or bookkeeping firm to produce a financial report or to prepare federal income tax or state franchise or sales tax returns is not taxable data processing services.

(4) The insertion of data into form title or loan documents for a client is taxable data processing because it involves the repeated application of the same process to different data. The service provider's skill or experience with title or loan documents is not determinative. The preparation of a title opinion is not included in taxable data processing, even though it has elements of data processing, because the result is solitary and depends upon the opinion or skills of a legal professional.

~~[(5) Effective October 1, 2025, marketplace provider services may be included in taxable data processing services when they involve the computerized entry, retrieval, search, compilation, manipulation, or storage of data or information provided by the purchaser or the purchaser's designee. For example, services provided by a marketplace provider to its marketplace seller that store product listings and photographs, maintain records of transactions, and compile analytics are taxable data processing services.]~~

(5) [(6)] Internet hosting, as defined by Tax Code, §151.108 (Internet Hosting), is a taxable data processing service when the user stores data on the service provider's hardware, or processes data on software that is owned, licensed, or leased by the user or provider. An example is the provision of servers and operating systems that are used by a customer to store software applications and content that can be accessed by the customer's customers.

(6) [(7)] Streaming video subscriptions are taxable as a cable television service but not as data processing services. See also §3.313 of this title (relating to Cable Television Service and Bundle Cable Service).

(7) [(8)] Streaming video game subscriptions are taxable as an amusement service but not as data processing services. See also §3.298 of this title (relating to Amusement Services).

(8) [(9)] The compilation of information that the service provider acquires from unrelated third parties through nontaxable opinion polls and surveys as described by §3.342 of this title (relating to Information Services) is not a taxable data processing service if the data processing is ancillary to the main service of data acquisition and the data processing does not have a separate value. However, if the service provider acquires and compiles data from the customer or the customer's designees, and the service provider's expertise is in managing the data, such as in inventory management, the main service is data processing and the service is taxable.

(9) [(40)] The compilation of nontaxable information primarily derived from the service provider's laboratory, medical, or exploratory testing or experimentation or any similar method of direct scientific observation of physical phenomena as described by §3.342 of this title (relating to Information Services) is not a taxable data processing service if the data processing is ancillary to the main service and the data processing does not have a separate value. Examples may be geophysical surveys, polygraph tests, and the recording and tracking of vital signs in medical treatment.

(10) [(44)] Data migration services that transfer data from one storage device to another storage device is taxable data processing.

(11) [(42)] Website creation, repair, and maintenance are taxable data processing services when they involve the storage, manipulation, compilation, and entry of data. However, simply developing a blueprint or plan for a website is not data processing services.

(c) Imposition of tax, permits.

(1) State sales and use tax and any applicable local sales and use tax are imposed on each sale or use of a data processing service in Texas.

(2) Except for small remote sellers described in §3.286(b)(2)(B) of this title (relating to Seller's and Purchaser's Responsibilities), a seller of data processing services must obtain a Texas sales and use tax permit and collect and remit tax on charges for data processing services, or accept properly completed resale, exemption, or direct pay permit certificates in lieu of collecting tax. See §3.285 of this title (relating to Resale Certificate; Sales for Resale); §3.287 of this title (relating to Exemption Certificates); §3.288 of this title (relating to Direct Payment Procedures and Qualifications).

(3) A charge for data processing services is taxable regardless of the ownership of the computer or whether the data is provided by the customer or the customer's authorized designee.

(4) Twenty percent of the total amount charged for data processing services is exempted from tax. If the data processing service is also taxable as another type of taxable service other than an information service, the twenty percent exemption does not apply.

(d) Resale certificates.

(1) Providers of data processing services may issue a resale certificate in lieu of tax to suppliers of tangible personal property only if care, custody, and control of the property is transferred to the client. For example, a service provider purchases a Universal Serial Bus (USB) drive to transfer the results of data processing services to customers. The USB drive is transferred to the customer, and the customer owns and uses the USB drive to review the results of the data processing service. The service provider may purchase the USB drive tax free by issuing a resale certificate. Tax is due on the total amount charged the customer, including amounts for the USB drive and for the services.

(2) A resale certificate may be issued for a service if the buyer intends to transfer the service as an integral part of taxable services. A service will be considered an integral part of a taxable service

if the service purchased is essential to the performance of the taxable service and without which the taxable service could not be rendered.

(3) A resale certificate may be issued for a taxable service if the buyer intends to incorporate the service into tangible personal property which will be resold. If the entire service is not incorporated into the tangible personal property, it will be presumed the service is subject to tax and the service will only be exempt to the extent the buyer can establish the portion of the service actually incorporated into the tangible personal property. If the buyer does not intend to incorporate the entire service into the tangible personal property, no resale certificate may be issued, but credit may be claimed at the time of sale of the tangible personal property to the extent the service was actually incorporated into the tangible personal property.

(e) Nontaxable related services.

(1) A service will be considered as a nontaxable related service if:

(A) it is neither a data processing service, nor a service taxed under other provisions of the Tax Code, Chapter 151;

(B) each of the services provided are of a type which are commonly provided on a stand-alone basis; and

(C) the performance of the service is distinct and identifiable. Examples of such a service would be consultation, development of and preparation of feasibility studies, design and development, or training.

(2) Where nontaxable related services and taxable services are sold or purchased for a single charge and the portion relating to taxable services represents more than 5.0% of the total charge, the total charge is presumed to be taxable. The presumption may be overcome by the data processing service provider at the time the transaction occurs by separately stating to the customer a reasonable charge for the taxable services. However, if the charge for the taxable portion of the services is not separately stated at the time of the transaction, the service provider or the purchaser may later establish for the comptroller, through documentary evidence, the percentage of the total charge that relates to nontaxable related services. The service provider's books must support the apportionment between exempt and nonexempt activities based on the cost of providing the service or on a comparison to the normal charge for each service when provided alone. If the charge for exempt services is unreasonable when the overall transaction is reviewed considering the cost of providing the service or a comparable charge made in the industry for each service, the comptroller will adjust the charges and assess additional tax, penalty, and interest on the taxable services.

(3) Charges for services or expenses directly related to and incurred while providing the taxable service are taxable and may not be separated for the purpose of excluding these charges from the tax base. Examples would be charges for meals, telephone calls, hotel rooms, or airplane tickets.

(f) If both the data processing service provider and the customer are located in Texas, Texas tax is due.

(g) Determining the incidence of the tax.

(1) With respect to a taxable service, "use" means the derivation in Texas of direct or indirect benefit from the service.

(2) The sale of a data processing service that is delivered in Texas is presumed to be a sale for storage, use, or consumption in Texas until the contrary is established.

(3) A data processing service performed in Texas is subject to Texas sales tax unless an exemption applies.

(A) A data processing service performed in Texas for use entirely outside of Texas is exempt from sales tax.

(B) A data processing service performed in Texas for use both within and outside of Texas is exempt to the extent that the service is used outside Texas.

(4) A data processing service performed outside of Texas is subject to Texas use tax to the extent that the service is for use in Texas, unless an exemption applies.

(5) A purchaser of a data processing service performed outside of Texas for use in Texas may claim a credit for a similar tax paid in another state if that state provides a similar credit for a taxpayer in Texas.

(6) A purchaser asserting the use of a data processing service at its business locations in multiple states may issue to the service provider a form promulgated by the comptroller, or a substantially similar document that asserts the purchaser's concurrent multistate business use and represents that the purchaser will report and pay the state and local tax on the portion that is taxable and is not exempt.

(A) The multistate purchaser may use a reasonable and consistent method supported by its business records to allocate the service between its business locations.

(B) A service provider that accepts a multistate use certificate in good faith is relieved of responsibility for collecting and remitting Texas state and local sales and use taxes on transactions subject to the certificate.

(h) Local taxes.

(1) Local sales tax is due in a local jurisdiction where the sale is consummated. The sale may be consummated at a place of business of the seller where the order is received, a place of business of the seller where the order is fulfilled, or at the location to which the service is delivered. See §3.334 of this title (relating to Local Sales and Use Taxes).

(2) Local use tax may also be due in a local jurisdiction where a direct or indirect benefit from the service is derived if the 2.0% local tax cap has not been exceeded. See also §3.334 of this title.

(3) An in-state customer purchasing data processing services for the benefit of locations in more than one local taxing entity is responsible for issuing to the data processing service provider an exemption certificate claiming a multi-city benefit and for determining the extent of benefit for each entity. The local use tax for each entity must be reported, allocated, and paid by the customer. A data processing service provider that accepts in good faith an exemption certificate claiming a multi-city benefit is relieved of responsibility for collecting and remitting local tax on transactions to which the certificate relates.

(i) Use tax. The customer is responsible to report and pay use tax if the service provider:

or (1) is not required to collect and remit the sales or use tax;

(2) does not collect the correct amount of sales or use tax.

(j) Platforms and Platform Provider facilitation fees.

(1) In this section:

(A) "Item" means tangible personal property or a service, without regard to whether the service is a taxable service under Tax Code, §151.0101, and without regard to whether the sale, lease, or rental of the property or service is taxed under Tax Code, Chapter 151 or any other chapter of the Tax Code.

(B) "Platform" means an electronic medium through which a person other than the owner or operator of the medium sells an item to a customer. The term includes an Internet website or software application. The term also includes a medium operated by a person that has been granted an exception under §3.286(b)(3)(G) of this title.

(C) "Platform Provider" means a person who owns or operates a platform and directly or indirectly processes sales or payments for platform sellers.

(D) "Platform Seller" means a seller, other than the platform provider, who sells an item through the platform.

(2) A fee, commission, or other charge imposed by a platform provider, upon a platform seller for listing, offering, or facilitating sales through the platform, is not a taxable data processing service or a taxable information service under §3.342 of this title (relating to Information Services). This paragraph applies without regard to how the charge is calculated, whether a sale occurs, or whether the charge is collected directly or netted against amounts owed to the platform seller.

(3) Examples of industries this subsection applies to include, but are not limited to:

(A) online platforms and applications through which platform sellers offer items for sale, rent, or lease;

(B) prepared food or grocery delivery;

(C) short-term lodging;

(D) ride-hailing or other transportation services;

(E) vehicle rental or sharing;

(F) pet care or pet-sitting services;

(G) household, personal, or errand-running services;

(H) freelance, gig, or professional services platforms;

(I) tool, equipment, or gear rental platforms; and

(J) parking or storage space rental platforms.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 5, 2026.

TRD-202604238

Chris Blackwell

General Counsel and Associate Deputy Comptroller

Comptroller of Public Accounts

Earliest possible date of adoption: November 15, 2026

For further information, please call: (512) 475-2220



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

CHAPTER 211. ADMINISTRATION

37 TAC §211.16

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §211.16, Establishment or Continued Operation of an Appointing Entity.

This proposed amended rule would require a law enforcement agency to adopt a policy on polygraph examiners used by the agency for certain types of polygraph examinations, as suggested by the Law Enforcement Polygraph Examinations Advisory Committee.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by conforming with Texas Occupations Code §1701.318. There will be no anticipated economic costs to persons required to comply with the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposed rule.

Mr. Beauchamp has determined the following:

(1) the proposed rule does not create or eliminate a government program;

(2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rule does not require an increase or decrease in fees paid to the agency;

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not limit or repeal an existing regulation, but does expand an existing regulation by requiring the adoption by a law enforcement agency of a policy on polygraph examinations;

(7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking

Authority, and Texas Occupations Code §1701.318, Certification Required for Peace Officers to Conduct Polygraph Examinations. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.318 requires the Commission to adopt rules prohibiting a peace officer from conducting certain polygraph examinations unless they have completed Commission-approved training and allows the Commission to establish minimum requirements for the training, testing, and certification of peace officers to conduct certain polygraph examinations.

The amended rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.318, Certification Required for Peace Officers to Conduct Polygraph Examinations. No other code, article, or statute is affected by this proposal.

§211.16. Establishment or Continued Operation of an Appointing Entity.

(a) To establish that an agency or a prospective agency meets the minimum standards for the creation or continued operation of a law enforcement agency, the agency must provide evidence that the agency:

- (1) provides public benefit to the community;
- (2) has sustainable funding sources that meet or exceed the continued operating expenses outlined in a line-item budget for the agency;
- (3) has physical resources available to officers, including:
 - (A) at least one firearm per officer on duty;
 - (B) at least one less lethal force weapon per officer on duty;
 - (C) effective communications equipment, specifically:
 - (i) at least one radio communication device per officer on duty performing patrol, courtroom security, traffic enforcement, responding to calls for service, assigned to a controlled access point, acting as a visual deterrent to crime, surveillance, warrant execution, and service of civil process; and
 - (ii) at least one radio communication device or cell phone device for any other officer on duty who may have contact with the general public;
 - (D) at least one bullet-resistant vest per officer on duty with vest panels that:
 - (i) have been certified as compliant by the National Institute of Justice (NIJ);
 - (ii) are within the ballistic performance warranty period listed by the manufacturer on the affixed tags; and
 - (iii) have never been shot or otherwise compromised;
 - (E) access to at least one breaching tool and one ballistic shield;
 - (F) for agencies with primary jurisdiction over a school district or open-enrollment charter school, one breaching tool and one ballistic shield available at each campus;
 - (G) at least one uniform per officer whose duties include any of the following:
 - (i) performing patrol;

- (ii) courtroom security;
- (iii) traffic enforcement;
- (iv) responding to calls for service;
- (v) assigned to a controlled access point;
- (vi) acting as a visual deterrent to crime;
- (vii) warrant execution; or
- (viii) service of civil process;

(H) at least one motor vehicle owned and insured by an agency created on or after June 1, 2024; and

(I) patrol vehicles provided to officers whose duties include either performing patrol, traffic enforcement, or responding to calls for service that:

or

- (i) are owned, insured, and equipped by the agency;

- (ii) may be personally owned for agencies in existence before June 1, 2024, that have not provided agency-owned patrol vehicles from June 1, 2024, to the present;

(4) has physical facilities, including:

(A) an evidence room or other acceptable secure evidence storage for officers whose duties include any of the following:

- (i) performing patrol;
- (ii) traffic enforcement;
- (iii) criminal investigations;
- (iv) responding to calls for service; or
- (v) executing search or arrest warrants;

(B) a dispatch area for any agency appointing and employing telecommunicators; and

(C) a public area including written notices posted and visible 24 hours a day explaining:

(i) how to receive the most immediate assistance in an emergency;

(ii) how to make a nonemergency report of a crime; and

(iii) how to make a compliment or complaint on a member of the agency by mail, online, or by phone;

(5) has policies, including policies on:

- (A) use of force;
- (B) vehicle pursuit;
- (C) professional conduct of officers;
- (D) domestic abuse protocols;
- (E) response to missing persons;
- (F) supervision of part-time officers;
- (G) impartial policing;
- (H) medical and psychological examination of licensees;

(I) active shooters, including a detailed written policy based on current best practices for responding to an active shooter incident at a primary or secondary school facility and a recommendation

for the frequency at which simulated emergency drills should be conducted;

- (J) barricaded subjects;
- (K) evidence collection and handling;
- (L) eyewitness identification;
- (M) misconduct investigations;
- (N) hiring a license holder;
- (O) personnel files;
- (P) uniform and dress code;
- (Q) training required to maintain licensure; ~~and~~
- (R) outside and off-duty employment; and
- (S) polygraph examiners;

(6) has an assigned public information officer who must hold a valid public information officer certificate or must obtain the certificate within the first year of assignment, if the agency is:

- (A) a municipal police department;
- (B) a sheriff's office;
- (C) a county constable's office;
- (D) a school district police department; or
- (E) the Texas Department of Public Safety;

(7) has an established administrative structure, including:

(A) an organizational chart for the agency that illustrates the division and assignment of licensed and unlicensed personnel;

(B) a projection for the number of full-time peace officers, part-time peace officers, and reserve law enforcement officers that the agency would employ during the year if at full staffing; and

(C) the number of School Resource Officer (SRO) positions employed by the agency and working in schools if the agency is not an independent school district (ISD) police department;

(8) has liability insurance for the agency and any vehicles used for agency purposes;

(9) has a defined process by which the agency will receive by mail, online, and by phone and document compliments and complaints on its employees; and

(10) any other information the commission requires.

(b) An entity applying to create a law enforcement agency is presumed to provide public benefit to the community if any of the following conditions are satisfied:

(1) the agency's chief administrator is an officer elected under the Texas Constitution;

(2) the agency is required by statute;

(3) the agency serves a municipality that contains a population of at least 10,000 people and the municipality is without an agency;

(4) the agency consists of investigators for a county or district attorney's office; or

(5) the agency serves a school district, open-enrollment charter school, private school, state institution of higher education, public technical institute, or private institution of higher education with an enrollment of at least 2,500 students.

(c) An entity applying to create a law enforcement agency may be found to provide public benefit to the community based upon a balance of the following factors:

(1) the unmet law enforcement needs of the subject community;

(2) a consideration of the presence of other agencies within the subject community, including but not limited to:

(A) the number and types of agencies that serve the community;

(B) the consistency of jurisdictional coverage to be provided;

(C) the unique law enforcement needs to be provided that are not already provided by another agency; and

(D) the ability of other agencies to provide the desired law enforcement services to the community through agreements or contracts;

(3) the desired law enforcement functions, roles, and responsibilities of the prospective agency within the subject community;

(4) a comparison of establishing an agency versus other options to address the desired law enforcement needs;

(5) the ability to provide continuity of law enforcement services;

(6) the provision of full-time versus part-time coverage;

(7) the staffing to be achieved by full-time, part-time, or reserve law enforcement officers;

(8) the ability to recruit and retain qualified licensees for appointment;

(9) the ability to recruit or retain a chief administrator;

(10) the ability to supervise, train, and develop licensees;

(11) the ability to fulfill administrative obligations required by law, including but not limited to:

(A) training compliance;

(B) maintaining required records in compliance with applicable laws;

(C) reporting compliance;

(D) appointment and separation processes;

(E) investigating and resolving allegations of misconduct; and

(F) policy development, implementation, and compliance;

(12) access to legal support and other supportive resources;

(13) oversight and support to be provided by the governing body;

(14) prior agency and governing body history with the commission; and

(15) any other factor the commission considers relevant.

(d) A law enforcement agency may be found to no longer provide public benefit to the community based upon a balance of the following factors:

(1) the relevant factors contained in subsection (c) of this section;

- (2) the turnover rate of agency staff;
- (3) the history and seriousness of the agency's audit and inspection deficiencies and violations;
- (4) the history and seriousness of administrative and criminal misconduct of the agency's appointees;
- (5) neglect of the agency's duties;
- (6) lack of oversight or abuse by the agency's governing body;
- (7) involvement in activities not related to the statutory purpose for the type of agency; and
- (8) any other factor the commission considers relevant.

(e) An entity authorized by law to establish a law enforcement agency and appoint licensees must first complete training offered and required by the commission on the creation and continued operation of a new agency before applying to create a new law enforcement agency. This training consists of:

- (1) an introduction to the new agency creation process that outlines the objectives, process, and timelines for creating a new agency;
- (2) review and completion of the new agency workbook, including the gathering of required information and completion of required worksheets; and
- (3) an in-person commission staff working group.

(f) After completing the required training, the entity may then submit the initial application for the creation of a new law enforcement agency by:

- (1) submitting the current agency number application form;
- (2) demonstrating that the prospective new agency would provide public benefit to the community and has sustainable funding sources; and
- (3) outlining the prospective agency plan.

(g) If the executive director denies the initial application, the entity may appeal to the commissioners during a public meeting of the commission. If the commissioners approve the initial application, the entity may submit the final application demonstrating all requirements of subsection (a) of this section have been met.

(h) If the executive director approves the initial application, the entity may submit the final application demonstrating all requirements of subsection (a) of this section have been met.

(i) After submission of the final application, the commission will perform an inspection to confirm that the prospective agency meets the minimum standards for the creation of a law enforcement agency. If the minimum standards are met, a new law enforcement agency will be created.

(j) A denial of the initial or final application may include conditions which must be satisfied before an entity may reapply to create a new law enforcement agency.

(k) A law enforcement agency that no longer meets the minimum standards for the continued operation of an agency may be deactivated. Deactivation of an agency requires the separation of all licensees, including the chief administrator, and the revocation of the authority to appoint licensees.

(l) The governing body of an agency that has been deactivated must continue to maintain records required by the commission as prescribed by law and must report motor vehicle stop data for all years and partial years that elapsed prior to deactivation.

(m) An entity authorized by Local Government Code, §361.022 to operate a correctional facility to house inmates, in this state, convicted of offenses committed against the laws of another state of the United States, and appoint jailers requiring licensure by the commission, may make application for an agency number by submitting the current agency number application form, any associated application fee, and a certified copy of the contract under which the facility will operate.

(n) A political subdivision wanting to establish a consolidated emergency telecommunications center and appoint telecommunications, as required by Texas Occupations Code, §1701.405, may make application for an agency number by submitting the current agency number application form, any associated application fee and a certified copy of the consolidation contract.

(o) The Texas Department of Criminal Justice - Pardon and Parole Division, a community supervision and corrections department, or a juvenile probation department may make application for an agency number if seeking firearms training certificates for parole officers, community supervision and corrections officers, or juvenile probation officers by submitting the current agency number application form and any associated application fee.

(p) All law enforcement agencies must complete and submit an annual report due between January 1st and March 1st of each year documenting their continued compliance with the requirements of this rule.

(q) The effective date of this section is January 1, 2027 [September 1, 2026].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 5, 2026.

TRD-202604231

Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

Earliest possible date of adoption: November 15, 2026

For further information, please call: (512) 936-7700



37 TAC §211.29

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §211.29, Responsibilities of Agency Chief Administrators. This proposed amended rule would prohibit a law enforcement agency from using a person who does not have a law enforcement polygraph certificate to conduct a polygraph examination for a pre-appointment screening or from using a peace officer who does not have a law enforcement polygraph certificate to conduct a polygraph examination for a criminal investigation. This conforms with the requirements in Texas Occupations Code § 1701.318 made by Senate Bill 2180 (89R) and is recommended by the Law Enforcement Polygraph Examinations Advisory Committee.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule

will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by conforming with Texas Occupations Code §1701.318. There will be no anticipated economic costs to persons required to comply with the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposed rule.

Mr. Beauchamp has determined the following:

- (1) the proposed rule does not create or eliminate a government program;
- (2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;
- (4) the proposed rule does not require an increase or decrease in fees paid to the agency;
- (5) the proposed rule does not create a new regulation;
- (6) the proposed rule does not limit or repeal an existing regulation, but does expand an existing regulation by prohibiting a law enforcement agency from using a person who is not a peace officer and who does not have a law enforcement polygraph certificate to conduct a polygraph examination for a pre-appointment screening;
- (7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.318, Certification Required for Peace Officers to Conduct Polygraph Examinations. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations

Code Chapter 1701. Texas Occupations Code §1701.318 requires the Commission to adopt rules prohibiting a peace officer from conducting certain polygraph examinations unless they have completed Commission-approved training and allows the Commission to establish minimum requirements for the training, testing, and certification of peace officers to conduct certain polygraph examinations.

The amended rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.318, Certification Required for Peace Officers to Conduct Polygraph Examinations. No other code, article, or statute is affected by this proposal.

§211.29. Responsibilities of Agency Chief Administrators.

(a) An agency chief administrator is responsible for making any and all reports and submitting any and all documents required of that agency by the commission.

(b) An individual who is appointed or elected to the position of the chief administrator of a law enforcement agency shall notify the Commission of the date of appointment and title, through a form prescribed by the Commission within 30 days of such appointment.

(c) An agency chief administrator must comply with the appointment and retention requirements under Texas Occupations Code, Chapter 1701.

(d) An agency chief administrator must report to the commission within 30 days, any change in the agency's name, physical location, mailing address, electronic mail address, or telephone number.

(e) An agency chief administrator must report, in a standard format, incident-based data compiled in accordance with Texas Occupations Code §1701.164.

(f) For purposes of this subsection, an active shooter incident is an incident involving one or more individuals actively engaged in killing or attempting to kill people in a populated area. Following a response to an active shooter incident at a primary or secondary school facility by any member of a law enforcement agency, the agency chief administrator must submit to the commission on a form prescribed by the commission:

(1) a preliminary report on an evaluation of the agency's response to the incident within 45 days of the incident, or as soon as practicable thereafter; and

(2) a final report on an evaluation of the agency's response to the incident within 90 days of the incident, or as soon as practicable thereafter.

(g) Line of duty deaths shall be reported to the commission in current peace officers' memorial reporting formats.

(h) An agency chief administrator must report to the commission on a form prescribed by the commission within seven days of discovery by any member of the agency that one of the following does not currently meet or did not meet the minimum standards for enrollment or initial licensure at the time of application, enrollment, or appointment:

(1) a licensee applying for enrollment or appointment with the agency;

(2) a person enrolled in the agency's academy;

(3) a person enrolled in any academy and sponsored by the agency; or

(4) a licensee appointed with the agency.

(i) An agency chief administrator has an obligation to determine that all appointees are able to safely and effectively perform the essential job functions. An agency chief administrator may require a fit for duty review upon identifying factors that indicate an appointee may no longer be able to perform job-related functions safely and effectively. These factors should be based on objective evidence and a reasonable basis that the cause may be attributable to a medical or psychological condition or impairment.

(j) An agency chief administrator shall notify the commission of any failed medical (L-2) or psychological (L-3) examination within 30 days on a form prescribed by the commission. An agency chief administrator shall notify the commission upon a final determination of a failed fit-for-duty examination (FFDE) or drug screen within 30 days on a form prescribed by the commission.

(k) An agency must provide training on employment issues identified in Texas Occupations Code §1701.402 and field training. If successfully completed, the agency must report these trainings to the commission within 30 days.

(l) An agency must provide continuing education training required in Texas Occupations Code §1701.351 and §1701.352.

(m) Before an agency appoints any licensee to a position requiring a commission license it shall complete the reporting requirements of Texas Occupations Code §1701.451.

(n) An agency appointing a person who does not hold a commission license must file an application for the appropriate license with the commission.

(o) An agency must notify the commission electronically following the requirements of Texas Occupations Code §1701.452, when a person under appointment with that agency resigns or is terminated.

(p) An agency chief administrator must comply with orders from the commission regarding the correction of a report of resignation/termination or request a hearing from SOAH.

(q) An agency chief administrator must:

(1) at the time the agency becomes aware of an allegation of misconduct, as defined in the model policy required by Texas Occupations Code § 1701.4522(a)(1), that may result in suspension, demotion, or termination, initiate an appropriate administrative or criminal investigation into alleged misconduct of a licensee who was appointed by the law enforcement agency at the time the alleged misconduct occurred;

(2) ensure completion of the investigation into alleged misconduct in a timely manner consistent with the law enforcement agency's policies even if the licensee has separated from the law enforcement agency;

(3) submit a report of a completed investigation into alleged criminal misconduct for which criminal charges are filed against a licensee to the commission within 30 days after the investigation is completed on a form prescribed by the commission;

(4) submit a report of a completed investigation into alleged administrative misconduct to the commission in a timely manner, but not later than 30 days after the licensee's separation from the law enforcement agency, on a form prescribed by the commission;

(5) if the investigative findings or disciplinary action taken are appealed, notify the commission that the matter is under appeal and notify the commission of the disposition of an appeal within 30 days after receipt of the decision; and

(6) include documentation of the completed investigation in the licensee's personnel or department file, as appropriate.

(r) An agency chief administrator must:

(1) maintain a personnel file and department file for each licensee appointed with the law enforcement agency;

(2) submit to the commission a complete copy of the personnel file of a licensee within 30 days after separation of the licensee from the law enforcement agency in a manner prescribed by the commission; and

(3) submit to the commission a complete copy of the personnel file and department file of a licensee upon request as part of an ongoing investigation relating to the licensee.

(s) An agency chief administrator may not allow a person who does not hold a law enforcement polygraph certificate to conduct a pre-appointment polygraph examination of a candidate applying for a position that requires a commission license. An agency chief administrator may not allow a peace officer who does not hold a law enforcement polygraph certificate to conduct polygraph examinations for a criminal investigation done by the agency.

(t) ~~[(s)]~~ Except in the case of a commission error, an agency that wishes to report a change to any information within commission files about a licensee shall do so in a request to the commission, containing:

(1) the licensee's name, date of birth, last four digits of the social security number, or PID;

(2) the requested change; and

(3) the reason for the change.

(u) ~~[(t)]~~ An agency chief administrator may not appoint an applicant subject to pending administrative action based on:

(1) enrollment or licensure ineligibility; or

(2) statutory suspension or revocation.

(v) ~~[(u)]~~ The effective date of this section is January 1, 2027 ~~[September 1, 2026].~~

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 5, 2026.

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Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

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For further information, please call: (512) 936-7700



CHAPTER 217. ENROLLMENT, LICENSING, APPOINTMENT, AND SEPARATION

37 TAC §217.1

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §217.1, Minimum Standards for Enrollment and Initial Licensure. This proposed amended rule is part of the proposed reorganization and clarification of Chapter 217, concerning Enrollment, Licensing, Ap-

pointment, and Separation. It would remove outdated enrollment, licensing, and appointment language, would move enrollment and appointment processes to other relevant rules, and would clarify the language of this rule. The proposed new rule would also incorporate current Commission practices, including the requirement of the supplemental peace officer course and any other required training for out-of-state reciprocity. Some of these proposed changes were recommended by the Texas Regulatory Efficiency Office within the Office of the Governor.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by reorganizing and clarifying Chapter 217 for ease of understanding. There will be no anticipated economic costs to persons required to comply with the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposed rule.

Mr. Beauchamp has determined the following:

- (1) the proposed rule does not create or eliminate a government program;
- (2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;
- (4) the proposed rule does not require an increase or decrease in fees paid to the agency;
- (5) the proposed rule does not create a new regulation;
- (6) the proposed rule does not expand, limit, or repeal an existing regulation;
- (7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. John P. Beauchamp,

General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.1524, Rules Relating to Consequences of Criminal Conviction or Deferred Adjudication, Texas Occupations Code §1701.251, Training Programs; Instructors, and Texas Occupations Code §1701.253, School Curriculum. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator. Texas Occupations Code §1701.1524 requires the Commission to adopt rules listing offenses for which a conviction or deferred adjudication would constitute grounds to take Commission action. Texas Occupations Code §1701.251 requires the Commission to establish and maintain training programs for the licensure of officers, county jailers, and telecommunicators. Texas Occupations Code §1701.253 requires the Commission to establish minimum curriculum requirements for training programs.

The amended rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.1524, Rules Relating to Consequences of Criminal Conviction or Deferred Adjudication, Texas Occupations Code §1701.251, Training Programs; Instructors, and Texas Occupations Code §1701.253, School Curriculum. No other code, article, or statute is affected by this proposal.

§217.1. Minimum Standards for Enrollment and Initial Licensure.

~~[(a)]~~ In order for an individual to enroll in any basic licensing course the provider must have on file documentation, acceptable to the Commission, that the individual meets eligibility for licensure.]

(a) ~~[(b)]~~ The commission shall issue a license to a person [an applicant] who meets the following minimum standards for enrollment and initial licensure:

(1) minimum age requirement:

(A) for peace officers [and public security officers], is 21 years of age,^[§] or 18 years of age if the applicant has received:

(i) an associate's degree,^[§] or 60 semester hours of credit from an accredited college or university; or

(ii) has received an honorable discharge from the armed forces of the United States after at least two years of active service;

(B) for jailers and telecommunicators is 18 years of age;

(2) minimum educational requirements:

(A) has passed a general educational development (GED) test indicating high school graduation level;

(B) holds a high school diploma; or

(C) for enrollment purposes in a basic peace officer academy only, has an honorable discharge from the armed forces of the United States after at least 24 months of active duty service;

~~[(3)]~~ is fingerprinted and is subjected to a search of local, state and U.S. national records and fingerprint files to disclose any criminal record;]

(3) [(4)] has never been convicted of or placed on court-ordered community supervision or probation for any criminal offense above the grade of Class B misdemeanor [or a Class B misdemeanor within the last ten years from the date of the court order];

(4) has not been convicted of or placed on court-ordered community supervision or probation for a Class B misdemeanor within the last ten years from the date of the court order;

(5) is not currently charged with any criminal offense for which conviction would be a bar to licensure;

[(6) has never been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years;]

(6) [(7)] has never been convicted of or placed on court-ordered community supervision or probation in any court of an offense involving family violence [as defined under Chapter 71, Texas Family Code];

(7) [(8)] for peace officers, is not prohibited by state or federal law from operating a motor vehicle;

(8) [(9)] for peace officers, is not prohibited by state or federal law from possessing firearms or ammunition;

[(10) has been subjected to a background investigation completed by the enrolling or appointing entity into the applicant's personal history. A background investigation shall include, at a minimum, the following;]

[(A) An enrolling entity shall;]

[(i) require completion of the Commission-approved personal history statement; and]

[(ii) verify that the applicant meets each individual requirement for licensure under this rule based on the personal history statement and any other information known to the enrolling entity; and]

[(iii) contact all previous enrolling entities;]

[(B) In addition to subparagraph (A) of this paragraph, a law enforcement agency or law enforcement agency academy shall;]

[(i) require completion of the Commission-approved personal history statement; and]

[(ii) meet all requirements enacted in Occupations Code 1701.451, including submission to the Commission of a form confirming all requirements have been met. An in-person review of personnel records is acceptable in lieu of making the personnel records available electronically if a hiring agency and a previous employing law enforcement agency mutually agree to the in-person review.]

(9) [(11)] on a form and in the manner prescribed by the commission, has been declared by a physician, who is licensed by the Texas Medical Board and selected by the enrolling entity or sponsoring law enforcement agency, to: [examined by a physician, selected by the appointing or employing agency, who is licensed by the Texas Medical Board. The physician must be familiar with the duties appropriate to the type of license sought and appointment to be made. The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of appointment by the agency to be;]

(A) be physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought; and

(B) show no trace of drug dependency or illegal drug use after a blood test or other medical test; [and]

[(C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory medical exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;]

(10) [(12)] on a form and in the manner prescribed by the Commission, has been declared by a psychologist, who is licensed by the Texas State Board of Examiners of Psychologists and selected by the enrolling entity or sponsoring law enforcement agency, or a psychiatrist, who is licensed by the Texas Medical Board and selected by the enrolling entity or sponsoring law enforcement agency, to be in satisfactory psychological and emotional health to serve as the type of licensee for the license sought; [examined by a psychologist, selected by the appointing, employing agency, or the academy, who is licensed by the Texas State Board of Examiners of Psychologists. This examination may also be conducted by a psychiatrist licensed by the Texas Medical Board. The psychologist or psychiatrist must be familiar with the duties appropriate to the type of license sought. The individual must be declared by that professional, on a form prescribed by the commission, to be in satisfactory psychological and emotional health to serve as the type of officer for which the license is sought. The examination must be conducted pursuant to professionally recognized standards and methods. The examination process must consist of a review of a job description for the position sought; review of any personal history statements; review of any background documents; at least two instruments, one which measures personality traits and one which measures psychopathology; and a face to face interview conducted after the instruments have been scored. The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of the appointment by the agency;]

[(A) the commission may allow for exceptional circumstances where a licensed physician performs the evaluation of psychological and emotional health. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; or]

[(B) the examination may be conducted by qualified persons identified by Texas Occupations Code § 501.004. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; and]

[(C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory psychological exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;]

(11) [(13)] has never received a dishonorable discharge from the armed forces of the United States;

(12) [(14)] has not had a commission or out-of-state license denied by final order or revoked;

(13) [(15)] does not currently have a commission or out-of-state license suspended or surrendered [is not currently on suspension, or does not have a surrender of license currently in effect];

(14) [(16)] for initial licensure, has met [meets] the minimum training standards and passed [passes] the commission licensing examination for the [each] license sought; and

(15) [(17)] is a U.S. citizen or is a legal permanent resident of the United States, if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge and presents evidence satisfactory to the commission that the person has applied for United States citizenship.

(b) [(e)] For the purposes of this section, the commission will construe any court-ordered community supervision, probation, or conviction for a criminal offense to be its closest equivalent under the Texas Penal Code classification of offenses if the offense arose from another penal provision of Texas law or a penal provision of any other state, federal, military, or foreign jurisdiction. A classification of an offense as a felony at the time of conviction or placement on community supervision or probation will never be changed because Texas law has changed or because the offense would not be a felony under current Texas laws.

[(1) another penal provision of Texas law; or]

[(2) a penal provision of any other state, federal, military, or foreign jurisdiction.]

(c) [(d)] For the purposes of this section, "closest equivalent" means the higher grade of offense after determining either: [A classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas laws.]

(1) the offenses under comparison are substantially similar because of a high degree of likeness between their elements; or

(2) the potential, not actual, punishment attached under foreign or out-of-state law would be equal or greater than the potential punishment for a disqualifying offense under Texas law.

(d) [(e)] The minimum training standards and examination requirement that a person must meet are [A person must meet the training and examination requirements]:

(1) [training] for the peace officer license [consists of]:

(A) the current basic peace officer course [course(s)];

(B) a commission-recognized [commission recognized], POST-developed [POST developed], basic law enforcement training course, to include:

(i) out-of-state [out of state] licensure or certification; [and]

(ii) submission of the current eligibility application and fee; and [or]

(iii) within 180 days of the approval of the eligibility application, completion of a supplemental peace officer course and any other training required by the commission; or

(C) a commission-approved [commission approved] academic alternative program, taken through a licensed academic alternative provider and at least an associate's degree;[-]

(2) [training] for the jailer license, [consists of] the current basic county corrections course [course(s)] or training recognized under Texas Occupations Code § 1701.310 [§1701.310];

[(3) training for the public security officer license consists of the current basic peace officer course(s);]

(3) [(4)] [training] for the telecommunicator license, [consists of] the current basic telecommunicator licensing course; and

(4) [(5)] passing any examination required for the license sought while the exam approval remains valid.

(e) [(f)] On receipt of an application for a provisional license by an applicant who is a military service member, military veteran, or military spouse, the commission shall promptly issue a provisional license, consistent with Texas Occupations Code § 55.004.

(1) The applicant must:

(A) hold a current license issued by another state that is similar in scope of practice to the license applied for in this state and is in good standing with the other state's licensing authority; or

(B) within the five years preceding the application date have held the license in this state.

(2) A provisional license may not be reissued and expires on the earliest of:

(A) the date the commission issues a license to the provisional license holder;

(B) the date the applicant is determined to not meet the minimum standards for enrollment or initial licensure; or

(C) the 180th day after the date the provisional license is issued.

(f) [(g)] The commission may issue a provisional license, consistent with Texas Occupations Code § 1701.311 [§1701.311], to an agency for a person to be appointed by that agency. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a provisional license. A provisional license is issued in the name of the applicant; however, it is issued to and shall remain in the possession of the agency. Such a license may neither be transferred by the applicant to another agency, nor transferred by the agency to another applicant. A provisional license may not be reissued and expires:

(1) 12 months from the original appointment date;

(2) on leaving the appointing agency; or

(3) on failure to comply with the terms stipulated in the provisional license approval.

(g) [(h)] The commission may issue a temporary jailer license, consistent with Texas Occupations Code § 1701.310 [§1701.310]. A jailer appointed on a temporary basis shall be enrolled in a basic jailer licensing course on or before the 90th day after their temporary appointment. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a temporary jailer license. A temporary jailer license may not be renewed, except that the sheriff may petition the commission to extend the temporary appointment for a period not to exceed six months. A temporary jailer license expires:

(1) 12 months from the original appointment date;

(2) at the end of a six-month extension, if granted; or

(3) on completion of training and passing of the jailer licensing examination.

(h) [(i)] A person who has previously been issued a temporary jailer license and separated from that position may be subsequently appointed on a temporary basis as a county jailer at the same or a different county jail only if the person was in good standing at the time the person separated from the position.

(i) [(j)] A person who has cumulatively served as a county jailer on a temporary basis for two years may continue to serve for the remainder of that temporary appointment, not to exceed the first anniversary of the date of the most recent appointment. The person is not eligible for an extension of that appointment or for a subsequent appointment on a temporary basis as a county jailer at the same or a different county jail until the first anniversary of the date the person separates from the temporary appointment during which the person reached two years of cumulative service.

(j) [(k)] A person whose county jailer license has become inactive may be appointed as a county jailer on a temporary basis.

(k) [(h)] The commission may issue a temporary telecommunicator license, consistent with Texas Occupations Code § 1701.405 [§1701.405]. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a temporary telecommunicator license. A temporary telecommunicator license expires:

(1) 12 months from the original appointment date; or

(2) on completion of training and passing of the telecommunicator licensing examination. On expiration of a temporary license, a person is not eligible for a new temporary telecommunicator license for one year.

(l) [(m)] A person who has not met all minimum standards is ineligible for a license. A license that has been issued to an ineligible person shall be cancelled or recalled. [A person who fails to comply with the standards set forth in this section shall not accept the issuance of a license and shall not accept any appointment. If an application for licensure is found to be false or untrue, it is subject to cancellation or recall.]

(m) [(n)] The effective date of this section is January 1, 2027 [June 1, 2026].

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 5, 2026.

TRD-202604233

Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

Earliest possible date of adoption: November 15, 2026

For further information, please call: (512) 936-7700



37 TAC §§217.3, 217.5, 217.7, 217.8

The Texas Commission on Law Enforcement (Commission) proposes the repeal of 37 Texas Administrative Code §217.3, Application for License and Initial Report of Appointment, 37 Texas Administrative Code §217.5, Denial and Cancellation, 37 Texas Administrative Code §217.7, Reporting Appointment and Separation of a Licensee, and 37 Texas Administrative Code §217.8, Contesting an Employment Termination Report. These proposed repeals are part of the proposed reorganization and clarification of Chapter 217, concerning Enrollment, Licensing, Appointment, and Separation. It would remove outdated enrollment, licensing, and appointment language, would move enrollment and appointment processes to their own respective rules, and would clarify the language of this chapter. Updated new rules will be proposed simultaneously to replace §217.3, Application for License and Initial Report of Appointment, §217.5, Denial and Cancellation, and §217.7, Reporting Appointment and Separation of a Licensee. However, §217.8, Contesting an Employment Termination Report, will not be replaced because Senate Bill 1445 (88R) removed the discharge designations and the authority to contest the contents of a report of separation, effective March 1, 2024, making this rule obsolete.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years these proposed repealed rules will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposed repeals.

Mr. Beauchamp has determined that for each year of the first five years these proposed repealed rules will be in effect, there will be a positive benefit to the public by reorganizing and clarifying Chapter 217 for ease of understanding. There will be no anticipated economic costs to persons required to comply with the proposed repeals.

Mr. Beauchamp has determined that for each year of the first five years these proposed repealed rules will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposed repeals.

Mr. Beauchamp has determined that for each year of the first five years these proposed repealed rules will be in effect, there will be no effects to a local economy as a result of implementing the proposed repeals.

Mr. Beauchamp has determined the following:

(1) the proposed repeals do not create or eliminate a government program;

(2) implementation of the proposed repeals does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed repeals does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed repeals do not require an increase or decrease in fees paid to the agency;

(5) the proposed repeals do not create a new regulation;

(6) the proposed repeals do not expand or limit an existing regulation, but do repeal outdated Commission processes relating to applying for a license or contesting a report of separation;

(7) the proposed repeals do not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposed repeals do not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed repealed rules and information related to the cost, benefit, or effect of the proposed repealed rules, including any applicable data, research, or analysis, from any person required to comply with the proposed repealed rules or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The repealed rules are proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701.

The repealed rules as proposed affect or implement Texas Occupations Code Chapter 1701, Law Enforcement Officers. No other code, article, or statute is affected by this proposal.

§217.3. Application for License and Initial Report of Appointment.

§217.5. Denial and Cancellation.

§217.7. Reporting Appointment and Separation of a Licensee.

§217.8. Contesting an Employment Termination Report.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 5, 2026.

TRD-202604229

Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

Earliest possible date of adoption: November 15, 2026

For further information, please call: (512) 936-7700



37 TAC §217.3

The Texas Commission on Law Enforcement (Commission) proposes new 37 Texas Administrative Code §217.3, Enrollment in a Basic Licensing Course. This proposed new rule is part of the proposed reorganization and clarification of Chapter 217, concerning Enrollment, Licensing, Appointment, and Separation. It would remove outdated enrollment, licensing, and appointment language, would move enrollment and appointment processes to their own respective rules, and would clarify the language of this chapter. This proposed new rule would contain enrollment processes previously codified in §217.1, Minimum Standards for Enrollment and Initial Licensure, §217.7, Reporting Appointment and Separation of a Licensee, and Texas Occupations Code §1701.451, Preemployment Procedure. Some of these proposed changes were recommended by the Texas Regulatory Efficiency Office within the Office of the Governor.

The proposed new rule would also incorporate current Commission practices, including that: (1) an enrolling entity request and review records from each basic licensing course attended by a prospective enrollee; (2) for a medical examination (L-2), an enrolling entity provide all available records relating to a person's prior failed medical examination to the practitioner; (3) for a psychological examination (L-3), an enrolling entity provide a summary of any records relating to a person's prior failure to complete a basic licensing course and all available records relating to a person's prior failed psychological examination to the practitioner; and (4) for an L-3, the required face-to-face interview may be conducted in person or through video.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed new rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be a positive benefit to the public by reorganizing and clarifying Chapter 217 for ease of understanding. There will be no anticipated

economic costs to persons required to comply with the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no effects to a local economy as a result of implementing the proposed rule.

Mr. Beauchamp has determined the following:

(1) the proposed rule does not create or eliminate a government program;

(2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rule does not require an increase or decrease in fees paid to the agency;

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not limit or repeal an existing regulation, but does expand an existing regulation by requiring enrolling entities to request and review records from each basic licensing course attended by a prospective enrollee;

(7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed new rule and information related to the cost, benefit, or effect of the proposed new rule, including any applicable data, research, or analysis, from any person required to comply with the proposed new rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The new rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.306, Psychological and Physical Examination, and Texas Occupations Code §1701.451, Preemployment Procedure. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator. Texas Occupations Code §1701.306 requires the Commission to adopt rules relating to the medical and psychological examinations required for a person to obtain a license. Texas Occupations Code §1701.451 requires the Commission

to establish procedures for the pre-appointment background investigation of a person.

The new rule as proposed affects or implements Texas Occupations Code Chapter 1701, Law Enforcement Officers. No other code, article, or statute is affected by this proposal.

§217.3. Enrollment in a Basic Licensing Course.

(a) Before a person may enroll in a basic licensing course, the enrolling entity must:

(1) verify that the person meets the minimum standards for enrollment and initial licensure; or

(2) obtain proof from a sponsoring law enforcement agency that verified the person meets the minimum standards for enrollment and initial licensure after conducting and documenting a pre-appointment background investigation.

(b) To verify that a person meets the minimum standards for enrollment and initial licensure, the enrolling entity must:

(1) obtain the person's written consent for the enrolling entity to view the person's records;

(2) obtain a complete, signed, and notarized or digitally certified commission-approved Personal History Statement (PHS); and

(3) conduct and document a pre-enrollment background investigation on the person, to include at a minimum:

(A) reviewing the PHS for eligibility for licensure;

(B) obtaining documentation that the person has been fingerprinted and subjected to a search of local, state, and U.S. national records and fingerprint files to disclose any criminal record and is not disqualified based on criminal records discovered;

(C) requesting and reviewing records from each basic licensing course attended, regardless of completion;

(D) for a person who is a military veteran, obtaining the United States Department of Defense Form DD-214 or other military discharge record;

(E) obtaining and reviewing evidence of financial responsibility as required by Texas Transportation Code § 601.051;

(F) obtaining and reviewing information on the person's law enforcement background as available through the national decertification index (NDI);

(G) obtaining proof of United States citizenship or, if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge, proof of legal permanent residence and proof that the person has applied for United States citizenship;

(H) obtaining proof of meeting the minimum educational requirements for licensure;

(I) obtaining a valid Licensee Medical Condition Declaration (L-2) for the person; and

(J) obtaining a valid Licensee Psychological and Emotional Health Declaration (L-3) for the person.

(c) To obtain a valid L-2:

(1) the enrolling entity must select a physician licensed by the Texas Medical Board to conduct a medical examination of the person;

(2) the enrolling entity shall provide the physician with a job description for the type of license sought and all available records relating to any medical examinations previously failed by the person;

(3) the physician must be familiar with the duties appropriate to the type of license sought; and

(4) the physician must examine the person and declare within 180 days of enrollment that the person:

(A) is physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought; and

(B) shows no trace of drug dependency or illegal drug use after a blood test or other medical test.

(d) To obtain a valid L-3:

(1) the enrolling entity must select one of the following practitioners to conduct a psychological examination of the person:

(A) a psychologist licensed by the Texas State Board of Examiners of Psychologists;

(B) a psychiatrist licensed by the Texas Medical Board;

(C) under exceptional circumstances and with prior written approval from the commission, a physician licensed by the Texas Medical Board; or

(D) under exceptional circumstances and with prior written approval from the commission, a qualified person identified by Texas Occupations Code § 501.004;

(2) the enrolling entity shall provide the practitioner with a job description for the type of license sought, the person's PHS, a summary of any records relating to the person's prior failure to complete a basic licensing course, and all available records relating to any psychological examinations previously failed by the person;

(3) the practitioner must be familiar with the duties appropriate to the type of license sought;

(4) the examination must:

(A) consist of at least two instruments, one which measures personality traits and one which measures psychopathology;

(B) consist of a face-to-face interview, either in person or through video, conducted after the instruments have been scored; and

(C) use professionally recognized standards and methods; and

(5) the practitioner must examine the person and declare within 180 days of enrollment that the person is in satisfactory psychological and emotional health to serve as the type of licensee for the license sought.

(e) A law enforcement agency or enrolling entity that is given a signed consent form shall make the person's records available to a prospective enrolling entity.

(f) When a person separates from an enrolling entity, within 30 days of the separation, the enrolling entity shall report the separation to the commission.

(g) An enrolling entity must retain records obtained or created under this section while the person is enrolled and for a minimum of five years after the person's separation from the enrolling entity or completion of the basic licensing course. The records must be maintained under the control of the training coordinator or designee in a physi-

cal or electronic format readily accessible to the commission and any prospective enrolling entity or prospective appointing law enforcement agency.

(h) The effective date of this section is January 1, 2027.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 5, 2026.

TRD-202604234

Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

Earliest possible date of adoption: November 15, 2026

For further information, please call: (512) 936-7700



37 TAC §217.5

The Texas Commission on Law Enforcement (Commission) proposes new 37 Texas Administrative Code §217.5, Reporting Appointment and Separation of a Licensee. This proposed new rule is part of the proposed reorganization and clarification of Chapter 217, concerning Enrollment, Licensing, Appointment, and Separation. It would remove outdated enrollment, licensing, and appointment language, would move enrollment and appointment processes to their own respective rules, and would clarify the language of this chapter. This proposed new rule would contain appointment and separation processes previously codified in §217.1, Minimum Standards for Enrollment and Initial Licensure, §217.7, Reporting Appointment and Separation of a Licensee, Texas Occupations Code §1701.303, License Application; Duties of Appointing Entity, and Texas Occupations Code §1701.451, Preemployment Procedure. Some of these proposed changes were recommended by the Texas Regulatory Efficiency Office within the Office of the Governor.

The proposed new rule would also incorporate current Commission practices, including that: (1) for a medical examination (L-2), an appointing entity provide all available records relating to a person's prior failed medical examination to the practitioner; (2) for a psychological examination (L-3), an appointing entity provide all available records relating to a person's prior failed psychological examination to the practitioner; (3) for an L-3, the required face-to-face interview may be conducted in person or through video; and (4) an appointing entity may not appoint a person with an unresolved failed medical or psychological examination.

New requirements in the proposed new rule would include: (1) a prohibition on a person from performing any of the appointment or separation requirements for their own appointment or separation to reduce conflicts of interest, the appearance of impropriety, or unethical actions; (2) a streamlined process for the appointment of a constitutionally elected official which only requires verification that the person meets the minimum standards for initial licensure to dispose of the investigation of suitability concerns made unnecessary by their election; and (3) an appointing agency obtaining approval of an appointment before allowing the person to act under the authority of a Commission license to prevent the person from performing regulated activity without proper authority.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed new rule will be

in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be a positive benefit to the public by reorganizing and clarifying Chapter 217 for ease of understanding. There will be no anticipated economic costs to persons required to comply with the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no effects to a local economy as a result of implementing the proposed rule.

Mr. Beauchamp has determined the following:

- (1) the proposed rule does not create or eliminate a government program;
- (2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;
- (4) the proposed rule does not require an increase or decrease in fees paid to the agency;
- (5) the proposed rule does create a new regulation by prohibiting a person from performing their own appointment or separation requirements;
- (6) the proposed rule does not repeal an existing regulation, but does expand an existing regulation by requiring an appointing agency to obtain approval of an appointment before allowing the person to act under the authority of a Commission license, and does limit an existing regulation by streamlining the process for the appointment of a constitutionally elected official;
- (7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed new rule and information related to the cost, benefit, or effect of the proposed new rule, including any applicable data, research, or analysis, from any person required to comply with the proposed new rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The new rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.303, License Application; Duties of Appointing Entity, Texas Occupations Code

§1701.306, Psychological and Physical Examination, Texas Occupations Code §1701.451, Preemployment Procedure, and Texas Occupations Code §1701.452, Employment Termination Report. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator. Texas Occupations Code §1701.303 requires a law enforcement agency to review certain information in the possession of the Commission as part of a pre-appointment background investigation of a person. Texas Occupations Code §1701.306 requires the Commission to adopt rules relating to the medical and psychological examinations required for a person to obtain a license. Texas Occupations Code §1701.451 requires the Commission to establish procedures for the pre-appointment background investigation of a person. Texas Occupations Code §1701.452 establishes the reporting requirements for a person's separation from an appointment.

The new rule as proposed affects or implements Texas Occupations Code Chapter 1701, Law Enforcement Officers. No other code, article, or statute is affected by this proposal.

§217.5. Reporting Appointment and Separation of a Licensee.

(a) A person who is the subject of an appointment or a separation shall not perform any of the appointment or separation requirements in this section for themselves.

(b) Before a law enforcement agency may appoint a person licensed as a peace officer, county jailer, or telecommunicator, except a constitutionally elected official, the agency chief administrator or designee must:

(1) obtain the person's written consent for the agency to view the person's records;

(2) obtain a complete, signed, and notarized or digitally certified commission-approved Personal History Statement (PHS);

(3) conduct and document a pre-appointment background investigation on the person, to include at a minimum:

(A) obtaining the F5R History and Employment Verification (F5R) and Personal Status Report (PSR) from the commission;

(B) reviewing the PHS for eligibility for licensure and appointment and suitability for appointment

(C) having the person fingerprinted and subjected to a search of local, state, and U.S. national records and fingerprint files to disclose any criminal record or pending warrants;

(D) obtaining and reviewing offense reports and criminal court records for any arrests or criminal cases discovered;

(E) requesting and reviewing records from the commission maintained in the commission service records and confidential statewide employment database;

(F) requesting and reviewing records from each basic licensing course attended, regardless of completion;

(G) requesting and reviewing records from each previous appointing agency, to include at a minimum the personnel file, department file, TCOLE credentialing file, appointment application, and other appointment or employment records;

(H) for a person who is a military veteran, obtaining the United States Department of Defense Form DD-214 or other military discharge record;

(I) obtaining and reviewing evidence of financial responsibility as required by Texas Transportation Code § 601.051;

(J) obtaining and reviewing a driving record from the Texas Department of Public Safety;

(K) obtaining and reviewing information on the person's law enforcement background as available through the national decertification index (NDI);

(L) obtaining and reviewing information on the person's background from at least three personal references and at least two professional references;

(M) obtaining proof of United States citizenship or, if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge, proof of legal permanent residence and proof that the person has applied for United States citizenship;

(N) obtaining proof of meeting the minimum educational requirements for licensure;

(O) for a first appointment or an appointment more than 180 days after a licensee's last appointment, obtaining a valid Licensee Medical Condition Declaration (L-2) for the person;

(P) for a first appointment or an appointment more than 180 days after a licensee's last appointment, obtaining a valid Licensee Psychological and Emotional Health Declaration (L-3) for the person; and

(Q) for a peace officer, obtaining proof of valid annual firearms proficiency;

(4) verify that the person meets the minimum standards for initial licensure;

(5) complete the F5R;

(6) prepare a summary that documents the findings of the background investigation;

(7) submit to the commission a completed Background Confirmation Form (BCF) certifying that all pre-appointment procedures required by Occupations Code § 1701.451 have been completed; and

(8) submit to the commission a completed Appointment Application (L-1) or Telecommunicator Appointment (L1-T).

(c) Before a law enforcement agency may appoint a constitutionally elected official as sheriff or constable, the agency must:

(1) verify that the person meets the minimum standards for initial licensure by:

(A) having the person fingerprinted and subjected to a search of local, state, and U.S. national records and fingerprint files to disclose any criminal record or pending warrants;

(B) obtaining and reviewing offense reports and criminal court records for any arrests or criminal cases discovered;

(C) for a person who is a military veteran, obtaining the United States Department of Defense Form DD-214 or other military discharge record;

(D) obtaining and reviewing information on the person's law enforcement background as available through the national decertification index (NDI);

(E) obtaining proof of United States citizenship or, if the person is an honorably discharged veteran of the armed forces of the

United States with at least two years of service before discharge, proof of legal permanent residence and proof that the person has applied for United States citizenship;

(F) obtaining proof of meeting the minimum educational requirements for licensure;

(G) for a first appointment or an appointment more than 180 days after a licensee's last appointment, obtaining a valid L-2 for the person; and

(H) for a first appointment or an appointment more than 180 days after a licensee's last appointment, obtaining a valid L-3 for the person; and

(2) submit to the commission a completed Appointment Application (L-1).

(d) To obtain a valid L-2:

(1) the agency must select a physician licensed by the Texas Medical Board to conduct a medical examination of the person;

(2) the agency shall provide the physician with a job description for the type of appointment sought and all available records relating to any medical examinations previously failed by the person;

(3) the physician must be familiar with the duties appropriate to the type of appointment sought; and

(4) the physician must examine the person and declare within 180 days of appointment that the person:

(A) is physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of appointment sought; and

(B) shows no trace of drug dependency or illegal drug use after a blood test or other medical test.

(e) To obtain a valid L-3:

(1) the agency must select one of the following practitioners to conduct a psychological examination of the person:

(A) a psychologist licensed by the Texas State Board of Examiners of Psychologists;

(B) a psychiatrist licensed by the Texas Medical Board;

(C) under exceptional circumstances and with prior written approval from the commission, a physician licensed by the Texas Medical Board; or

(D) under exceptional circumstances and with prior written approval from the commission, a qualified person identified by Texas Occupations Code § 501.004;

(2) the agency shall provide the practitioner with a job description for the type of appointment sought, the person's PHS, a summary of the background investigation, and all available records relating to any psychological examinations previously failed by the person;

(3) the practitioner must be familiar with the duties appropriate to the type of appointment sought;

(4) the examination must:

(A) consist of at least two instruments, one which measures personality traits and one which measures psychopathology;

(B) consist of a face-to-face interview, either in person or through video, conducted after the instruments have been scored; and

(C) use professionally recognized standards and methods; and

(5) the practitioner must examine the person and declare within 180 days of appointment that the person is in satisfactory psychological and emotional health to serve as the type of licensee for the appointment sought.

(f) For a first appointment, an agency may also obtain a valid L-2 or L-3 that the person used for enrollment in a basic licensing course for the license type corresponding to the appointment if the appointment occurs within 180 days from completion of the basic licensing course.

(g) If a person fails any L-2, L-3, medical fitness-for-duty examination (FFDE), or psychological FFDE, an agency may not appoint that person until another valid L-2 or L-3 is obtained, as applicable.

(h) The agency must obtain approval of the appointment from the commission before allowing the person to act under the authority of the license.

(i) A law enforcement agency or enrolling entity that is given a signed consent form shall make the person's records available to a prospective appointing law enforcement agency as authorized by Texas Occupations Code § 1701.451.

(j) When a licensee separates from an agency, within seven business days of the separation or exhaustion of all available administrative appeals, the agency shall:

(1) submit a Separation of Licensee (F-5) report to the commission; and

(2) provide a copy of the F-5 report to the licensee by hand delivery or by certified mail to the last known address of the licensee.

(k) An agency must retain records obtained or created under this section while the person is appointed and for a minimum of five years after the licensee's separation date with that agency. The records must be maintained under the control of the agency chief administrator or designee in a physical or electronic format readily accessible to the commission and any prospective appointing law enforcement agency.

(l) The effective date of this section is January 1, 2027.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 5, 2026.

TRD-202604236

Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

Earliest possible date of adoption: November 15, 2026

For further information, please call: (512) 936-7700

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37 TAC §217.7

The Texas Commission on Law Enforcement (Commission) proposes new 37 Texas Administrative Code §217.7, Reporting of Enrollment, Licensure, and Appointment. This proposed new rule is part of the proposed reorganization and clarification of Chapter 217, concerning Enrollment, Licensing, Appointment, and Separation. It would remove outdated enrollment, licensing, and appointment language, would move enrollment and appointment processes to their own respective rules, and would clarify

the language of this chapter. This proposed new rule would contain the rule provisions previously codified in §217.5, Denial and Cancellation, with edits to remove references to the outdated application process and to clean up the rule's language.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed new rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be a positive benefit to the public by reorganizing and clarifying Chapter 217 for ease of understanding. There will be no anticipated economic costs to persons required to comply with the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no effects to a local economy as a result of implementing the proposed rule.

Mr. Beauchamp has determined the following:

- (1) the proposed rule does not create or eliminate a government program;
- (2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;
- (4) the proposed rule does not require an increase or decrease in fees paid to the agency;
- (5) the proposed rule does not create a new regulation;
- (6) the proposed rule does not expand, limit, or repeal an existing regulation;
- (7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and
- (8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed new rule and information related to the cost, benefit, or effect of the proposed new rule, including any applicable data, research, or analysis, from any person required to comply with the proposed new rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The new rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking

Authority. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator.

The new rule as proposed affects or implements Texas Occupations Code Chapter 1701, Law Enforcement Officers. No other code, article, or statute is affected by this proposal.

§217.7. Reporting of Enrollment, Licensure, and Appointment.

(a) The commission may deny any license and may refuse to accept a report of appointment if the:

(1) person has not been reported to the commission as meeting all minimum standards, including any training or testing requirements;

(2) person has not affixed any required signature;

(3) required forms or documentation are incomplete, illegible, or are not attached;

(4) report is not submitted or signed by a chief administrator, or designee with authority to appoint the person to the position reported;

(5) report is not submitted by the appointing agency or entity;

(6) agency reports the person in a capacity that does not require the license sought;

(7) agency fails to provide documentation, if requested, of the agency's creation or authority to appoint persons in the capacity of the license sought or the agency is without such authority;

(8) report contains a false assertion by any person; or

(9) person is subject to pending administrative action against a commission-issued license.

(b) An agency chief administrator or school district may not appoint a person subject to pending administrative action based on:

(1) enrollment or licensure ineligibility; or

(2) statutory suspension or revocation.

(c) If a license is subject to denial under subsection (a) of this section, any license issued to the person by the commission is subject to cancellation.

(d) Any such document may expire or be cancelled, surrendered, suspended, revoked, deactivated, or otherwise invalidated. Mere possession of the physical document does not necessarily mean that the person:

(1) currently holds, has ever held, or has any of the powers of the office indicated on the document; or

(2) still holds an active, valid license or certificate.

(e) The effective date of this section is January 1, 2027.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 5, 2026.
TRD-202604237



CHAPTER 221. PROFICIENCY CERTIFICATES

37 TAC §221.51

The Texas Commission on Law Enforcement (Commission) proposes new 37 Texas Administrative Code §221.51, Law Enforcement Polygraph Certificate. This proposed new rule would establish a certificate to conduct certain polygraph examinations for law enforcement purposes. Specifically, the certificate would be required for a peace officer to conduct a polygraph examination for pre-appointment screening or criminal investigation purposes. It would also be required for any person to conduct a polygraph examination for pre-appointment screening purposes. This conforms with the requirements in Texas Occupations Code § 1701.318 made by Senate Bill 2180 (89R) and is recommended by the Law Enforcement Polygraph Examinations Advisory Committee. The proposed new rule would require completion of a polygraph training program to obtain the certificate and continuing education to maintain the certificate.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed new rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be a positive benefit to the public by conforming with Texas Occupations Code §1701.318. There will be anticipated economic costs to persons required to comply with the proposed rule to include a Commission application fee and training and continuing education fees from outside training entities.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposed rule.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposed rule.

Mr. Beauchamp has determined the following:

- (1) the proposed rule does not create or eliminate a government program;
- (2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;
- (3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rule does require an increase in fees paid to the agency for an individual to obtain the law enforcement polygraph certificate;

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not limit or repeal an existing regulation, but does expand an existing regulation by requiring certification of individuals who are not peace officers to conduct pre-appointment polygraph examinations;

(7) the proposed rule does increase the number of individuals subject to the rule's applicability by requiring certification of individuals who are not peace officers to conduct pre-appointment polygraph examinations; and

(8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed new rule and information related to the cost, benefit, or effect of the proposed new rule, including any applicable data, research, or analysis, from any person required to comply with the proposed new rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The new rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.318, Certification Required for Peace Officers to Conduct Polygraph Examinations. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.318 requires the Commission to adopt rules prohibiting a peace officer from conducting certain polygraph examinations unless they have completed Commission-approved training and allows the Commission to establish minimum requirements for the training, testing, and certification of peace officers to conduct certain polygraph examinations.

The new rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.318, Certification Required for Peace Officers to Conduct Polygraph Examinations. No other code, article, or statute is affected by this proposal.

§221.51. Law Enforcement Polygraph Certificate.

(a) To qualify for a law enforcement polygraph certificate, an applicant must:

(1) meet initial training and examination requirements by:

(A) successful completion of a current polygraph training program provided by a polygraph school that is accredited by the American Polygraph Association (APA) or is recognized by the American Association of Police Polygraphists (AAPP); or

(B) current membership with the APA or AAPP on January 1, 2027, and previous successful completion of a polygraph training program provided by a polygraph school that was accredited by the APA or was recognized by the AAPP; and

(2) submit a completed application, in the format currently prescribed by the commission, and any required fee.

(b) To keep the certificate valid, the holder must complete 30 hours of commission-approved polygraph continuing education every two-year training unit to include 16 hours of continuing education obtained through attendance at a commission-approved polygraph conference.

(c) If the certificate becomes invalid, a holder may renew the certificate by completing all outstanding continuing education hours.

(d) A person who is a peace officer is required to hold a valid law enforcement polygraph certificate to conduct polygraph examinations for:

(1) a pre-appointment examination of a candidate applying for a position that requires a commission license; or

(2) a criminal investigation.

(e) A person, regardless of their status as a peace officer, is required to hold a valid law enforcement polygraph certificate to conduct polygraph examinations for a pre-appointment examination of a candidate applying for a position that requires a commission license.

(f) A certificate holder should adhere to the relevant ethics, policies, and standards of practice currently prescribed by the APA or AAPP when conducting a polygraph examination that requires a certificate.

(g) The effective date of this section is January 1, 2027.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on October 5, 2026.

TRD-202604230

Gregory Stevens

Executive Director

Texas Commission on Law Enforcement

Earliest possible date of adoption: November 15, 2026

For further information, please call: (512) 936-7700

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WITHDRAWN RULES

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

TITLE 1. ADMINISTRATION

PART 3. OFFICE OF THE ATTORNEY GENERAL

CHAPTER 67. FOREIGN OWNERSHIP ENFORCEMENT

1 TAC §§67.1 - 67.9

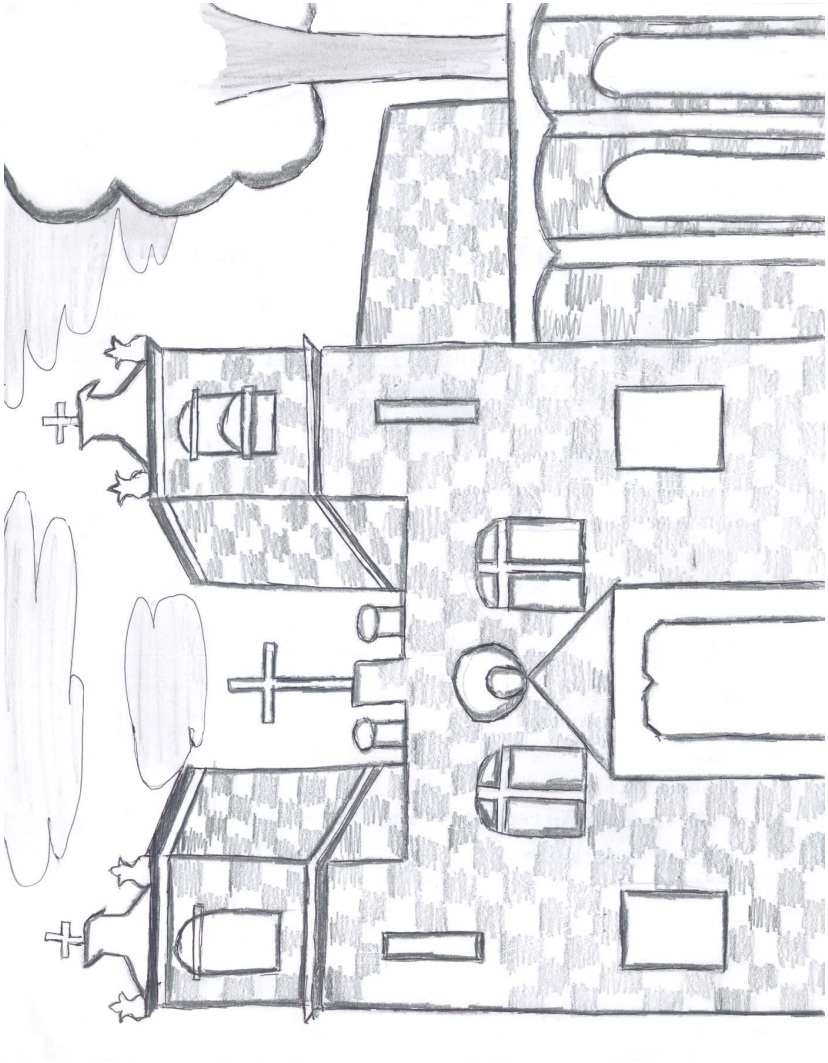
Proposed new §§67.1 - 67.9, published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 1937), are withdrawn. The

agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Published by the Office of the Secretary of State on October 5, 2026.

TRD-202604239

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ADOPTED RULES

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

TITLE 16. ECONOMIC REGULATION

PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

CHAPTER 22. PROCEDURAL RULES SUBCHAPTER M. PROCEDURES AND FILING REQUIREMENTS IN PARTICULAR COMMISSION PROCEEDINGS

16 TAC §22.242

The Public Utility Commission of Texas (commission) adopts amendments to §22.242 relating to Complaints with changes to the proposed text as published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2856). The rule will be republished.

The adopted rule will streamline the commission's complaints process for all utilities under the commission's jurisdiction and bring the commission's complaint process in line with the processes of other agencies across the state.

Public Comments

Comments were received by Vikki Payne; Kim Graff; NEC Co-Op Energy; John Deare; Tessa Comstock; Jessica Moreno; Gloria Hanes; Hunter Hanes; Jared Wynne; Stephen Shimeall; Tammy Chambers; Texas Association of Water Companies, Inc (TAWC); Texas-New Mexico Power Company (TNMP); Texas REP Coalition; Office of Public Utility Counsel (OPUC); Southwestern Public Service Company (SPS); City of Royse City, City of Sanger, City of Terrell, County Line Special Utility District, and Springs Hill Special Utility District (City/SUD Commenters); Connie Glass; Richard McCaffrey; Melissa Stanley; and Leslie Rodas.

The commission also received substantially identical comments from Alyxandra Dykema, Anita Kay Long, Desiree Frantz, Daniel Bookner, Elise K Long, Heather Screws, Jared Wynne, Johnathan Stewart, Johnathan Monjaras, James Kelly, Mary Lou Marroquin; Karen Ladd, Susan Bacon, Troy Henry, Wendy Abramson (collectively, Consumer Commenters).

On July 25, 2026, the commission held a public hearing in response to hearing requests filed by the Consumer Commenters. At this hearing, commission staff received comments from Sierra Club, Bianca Guerrero, Sydney Holzman, Pam Hubbert on behalf of Tyler Croft, Pam Hubbert (herself), Jim Smith, Kim Bond, OPUC, and CenterPoint.

Clarification of Commission Divisions and Processes

The commission notes that at the time of publication and public comment, the commission's Office of Consumer Assistance (OCA) was called the Consumer Protection Division. For clar-

ity, the commission has modified the proposed rules to properly refer to the OCA and uses the division's current name uniformly throughout this order.

The commission also clarifies that any reference to an "informal" complaint or complaint process is a reference to the process whereby the OCA investigates an individual's complaint against an entity under the commission's jurisdiction to evaluate whether a possible violation of commission rule has taken place and assists the parties in coming to an informal resolution. For example, if a consumer and a service provider disagree as to whether a charge was properly applied to the consumer's bill, an investigator from the OCA will review the commission's substantive rules and any available documentation, communicate with both parties, and attempt to reach an agreement between the complainant and the regulated entity as to whether the charge was appropriate and whether any additional action, such as a refund, is required by commission rule.

At the conclusion of the complaint resolution process, the OCA will provide the complainant and the regulated entity with a closing letter with a summary of the complaint, any known remedial actions that were taken, and an assessment of whether the available documentation suggests the regulated entity may have committed any violations of commission rules. Critically, this is not a formal legal decision made by the commission. Historically, this process successfully resolves a significant majority of complaints. By contrast, any reference to a "formal" complaint or complaint process is a reference to a contested case proceeding in which an individual complainant submits a complaint against an entity under the commission's jurisdiction for formal adjudication. A formal complaint is docketed, usually referred to the State Office of Administrative Hearings (SOAH) for a hearing, and concludes with a binding legal determination in the form of a final order by the commission. At the conclusion of the formal complaint process, including any motions for rehearing, if either party is unsatisfied with the result, they can appeal the commission's decision in a court of proper jurisdiction.

Unlike the informal complaint process, which is designed to efficiently resolve complaints in a manner that does not require legal training, the formal complaint process is an adversarial legal proceeding with strict procedural and evidentiary rules, like a proceeding in civil court. An attorney from the commission's Legal Division participates as a party in each formal proceeding. However, this staff attorney represents the public interest throughout the proceeding, not the individual complainant or the entity against whom the complaint is brought. Accordingly, the complainant is required to either hire their own legal counsel or represent themselves throughout the proceeding.

In addition to the formal and informal complaint processes, the commission also has a Division of Compliance and Enforcement (DICE). DICE is staffed with enforcement attorneys and analysts

and is primarily tasked with bringing entities that are under the commission's jurisdiction into compliance with applicable rules and statutes. DICE is also responsible for bringing enforcement actions against entities for violations of these rules and statutes. Like the formal complaint process, a DICE enforcement action is a contested case that is docketed, may be referred to SOAH for a hearing, and ends with a final order issued by the commission. However, DICE investigations differ from formal complaints in several meaningful ways. Unlike the formal complaint process, in which the commission can typically only grant the relief requested by the individual complainant, DICE has the discretion to seek a wide array of outcomes, such as license revocation, disgorgement, or administrative penalties. DICE may also identify additional violations or seek beneficial outcomes for an entire customer base. For example, an individual ratepayer may file a formal complaint to seek a refund for a particular billing error; a DICE investigation into that service provider might uncover dozens or hundreds of consumers that experienced that same error and that the billing documents themselves do not comply with commission rules. Further, DICE can monitor compliance over time and seek escalating penalties for recurring violations.

A DICE investigation is also different from a formal complaint, because the litigants are DICE and the regulated entity. Individual complainants do not participate in these proceedings as named parties. In nearly every instance, this leads to better outcomes for consumers than the formal complaint process, because DICE has more leverage over regulated entities and more experience with the commission's rules than an individual complainant. DICE is also able to exercise enforcement discretion in its investigations, avoiding protracted legal disputes over frivolous claims, providing benefit to consumers and regulated entities. Further, because a DICE investigation is not an individual remedy sought by a single complainant like a formal complaint, a complainant is not prohibited from pursuing a separate action in a court of proper jurisdiction during the pendency of the DICE investigation.

Process Sequencing under Existing and Amended Rules

Existing Complaint Process

Under existing rules, a complainant is required to begin the complaint process by filing an informal complaint with the OCA. As described above, an investigator from the OCA attempts to resolve the complaint within 35 days from the date on which the complaint is received. At the conclusion of this informal process, the investigator will issue a closing letter that notifies the complainant that if the complaint was not resolved to their satisfaction, the complainant may file a formal complaint with the commission. In some instances, such as when the complaint involves accusations of anti-competitive practices, abandonment, or improper disconnection of service, the complainant is permitted to bypass the informal complaint process and proceed directly to the formal complaint stage. The existing process also permits a complainant to request a good cause exception and bypass the informal complaint process for other reasons. These provisions exist because some issues are poorly suited for informal resolution and are better determined by the commission or another court of proper jurisdiction.

Amended Complaint Process

Under the amended process, the informal complaint process will proceed as described above. At the conclusion of the informal complaint process, if a complainant is not satisfied with the outcome of the process, they are then free to pursue an action in

a court of proper jurisdiction. Additionally, if the OCA identifies a possible violation during its investigation, it will refer the complaint to DICE for evaluation. As described above, DICE will investigate the regulated entity for compliance with applicable law and use reasonable enforcement discretion in determining whether to pursue a separate enforcement action against the regulated entity. Finally, the amended process also preserves the list of exceptions and the ability for a complainant to request a good cause exception to the informal resolution process for good cause. Under the amended process, this takes the form of a request to OCA to issue a closing letter and refer the matter to DICE. As with the existing process, this allows interested litigants to exhaust their administrative entities sooner and clears the way for DICE to bring a separate enforcement action against the entity, if it is deemed appropriate to do so.

Ongoing Formal and Informal Complaints

On the effective date of amended §22.242, complainants will no longer be able to file a formal complaint as a contested case at the commission upon the conclusion of the informal complaint process. This includes any pending informal complaints. However, any formal complaint properly filed up until the day before that section's effective date will be processed as a contested case under the existing rule and is eligible for adjudication at SOAH.

DICE Investigation Process

A number of commenters had questions related to how the commission's enforcement process will operate under the new rule. To provide more transparency on this subject, the commission provides the following discussion of DICE's current process.

Broadly speaking, DICE has discretion to investigate entities under the jurisdiction of the commission for compliance with applicable legal requirements. With regards to informal complaints, DICE currently has several processes in place for reviewing informal complaints for potential violations, including a periodic review of the complaint database. This periodic review identifies entities with multiple complaints for increased scrutiny to ensure prudent use of the commission's resources. DICE also targets complaints based on the severity of the alleged violation and complaints flagged by the OCA for further review. Under the new rule, the coordination of efforts between the two divisions will increase by establishing a more direct pipeline to DICE for complaints involving potential violations identified by the OCA and, if appropriate, an increased cadence of DICE's periodic review of the complaint database. However, in every instance, DICE will base its decision on whether to pursue enforcement on its own evaluation of the regulated entity's compliance with applicable law, which is not limited to the issues, evidence, or consumers involved in a referred complaint.

As stated above, a DICE enforcement action is a contested case that, with a few exceptions involving preventing imminent harm to the public, affords the regulated entity with notice and opportunity to request a hearing. As with formal complaints, these contested cases are public and conclude with formal commission action at an open meeting.

Several comments by regulated entities also expressed concerns regarding notice of a DICE investigation or the expenditure of resources associated with enforcement actions. Because DICE will continue to conduct a periodic review of every complaint, it is not practicable for DICE to provide notice in every instance in which it is reviewing an informal complaint. However, DICE will continue its general practice of contacting most regu-

lated entities when it opens an actual investigation prior to taking formal enforcement action (in certain instances, DICE will forego informal communications and proceed immediately to taking formal action in front of the commission). These contacts typically include an opening letter, notifying the regulated entity that an investigation has been opened and providing the investigation number, and a finding of violation, which includes a description of suspected violations and any punitive measures, such as an administrative penalty, that DICE intends to recommend to the commission. DICE also requests any necessary documentation from the regulated entity it needs to continue its investigation. Historically, DICE is often able to secure the agreement of the regulated entity to come into compliance with commission rules and remediate any suspected violations without the need for a burdensome administrative hearing at SOAH. Even in situations in which DICE and the regulated entity reach a settlement agreement on the facts and appropriate remedy, however, the decision is not final until it is publicly filed and approved by the commission at an open meeting, ensuring transparency.

Other Proceedings

The commission has broad jurisdiction under PURA and TWC over a variety of matters involving utilities and other regulated entities. Amended §22.242's streamlined complaint process should not be read to foreclose parties from petitioning the commission for relief that other laws may afford. And, the rule should not be read to limit the commission's authority over (or interest in resolving) other types of disputes not addressed in the amended rule. For example, the adoption of this rule would not affect a person's right to dispute ERCOT conduct under §22.251, relating to Review of Electric Reliability Council of Texas (ERCOT) Conduct. Nor would it preclude a retail public utility's ability to request cease and desist relief from the commission under TWC § 13.252. Accordingly, the commission modifies §22.242 to include a savings clause that clarifies that §22.242 does not alter the jurisdiction and processes established in other laws

General Comments - Individual complaints

A number of comments were filed that contained complaints against specific regulated entities. These complaints addressed a variety of issues including rate increases, high base rates, subdivision fees, and system improvement charges. Commenters also described water quality issues, inaccurate or inconsistent meter reads, and concern over utility billing practices. As a result of these issues, commenters indicated that they were experiencing financial strain and, in some cases, poor health outcomes. The contents of these complaints are beyond the scope of this rulemaking proceeding. For complaints within the commission's jurisdiction, the commission recommends the commenters file a complaint with OCA under the provisions of adopted §22.272, which can be located on the commission's website or in the rule text contained in this order.

Some of the commenters described water quality issues over which the commission does not have primary jurisdiction. To file a water quality complaint that is not related to water rates or billing with the Texas Commission of Environmental Quality (TCEQ), a complainant may email TCEQ with further details at complaint@tceq.texas.gov or fill out a survey at https://www.surveymonkey.com/r/Environmental_Complaints.

General Comments - Formal complaints

As described above, one of the primary features of the proposed rules is the elimination of the formal complaint process. Several

commenters expressed support or opposition to this procedural shift in general comments and with regards to specific rule sections associated with the formal complaint process. Because these comments all hinge on whether the commission retains its current formal complaint process, it addresses these comments together (e.g. if the commission eliminates the formal complaint process, provisions related to the docketing of formal complaints are unnecessary).

The Texas REP Coalition, TAWC, and SPS expressed support for the proposed elimination of the formal complaint process. TAWC argued that its members have often experienced lengthy and costly formal complaint proceedings that involve issues that have already been favorably evaluated by OCA. TAWC supported leaving discretion over whether a complaint merits additional treatment beyond the informal complaint stage with DICE. TAWC indicated that the proposed changes will "reduce the level of resources devoted to complaint proceedings by stakeholders and the commission while still affording each complaint the appropriate level of review based on its merits." The Texas REP Coalition argued the proposal represents a customer-friendly approach that offers an accessible and efficient process for competitive retail electric service dispute resolution. OCA, they argued, has robust experience with disputes between consumers and retail electric providers (REPs) and has more frequent engagement with the commission's customer protection rules than a SOAH administrative law judge.

In opposition to the proposed rule, OPUC and TNMP noted that the proposal exceeds what is contemplated by SB 790, which authorized streamlining of water and wastewater billing disputes between tenants and property owners. These commenters requested the commission align its proposal with the scope of SB 790.

Several commenters, including Consumer Commenters, Sydney Holzman, Pam Hubbert on behalf of Tyler Croft, and Bianca Guerrero, TNMP, and OPUC argued that formal complaints are necessary to preserve the ability of a complainant to seek relief directly before the commission. Bianca Guerrero argued that the formal complaint process allows communities to present evidence on water quality and peer reviewed research to hold utilities responsible. OPUC argued that the formal complaint process is an important tool that provides consumers with a means of obtaining relief before the Commission. OPUC also argued that administrative feasibility and efficiency "should never occur at the sacrifice of the voice of the public citizen." Conversely, TNMP argued that it was important to leave discretion over whether to bring a formal complaint with the complainant (rather than DICE), because in many instances the complainant may elect not to pursue the formal complaint process. TNMP argues that this blurs the line between informal resolution and enforcement, potentially leading to duplicative reviews and subjecting regulated entities to enforcement review without a clearly articulated basis.

Consumer Commenters, OPUC, Sydney Holzman, Sierra Club, Pam Hubbert on behalf of Tyler Croft, Bianca Guerrero, and Stephen Shimeall argued that the formal complaint process, and specifically the docketing of formal complaints, was necessary for transparency. Pam Hubbert on behalf of Tyler Croft argued that docketed complaints established a public evidentiary record that could be used to prove repeat issues, and that internal agency processing may obscure recurring issues. The Sierra Club argued for public facing data and outcomes regarding complaints against utilities and the resolutions displayed on the

commission's website. Sydney Holzman expressed concerns that the new process will allow utilities to bury complaints, and Bianca Guerrero argued that the new process will result in less effective oversight. OPUC argued that the potential docketing of a complaint encourages regulated entities to help efficiently resolve informal complaints.

Commission Response

The commission declines to modify the rule to retain the existing formal complaint process, as requested by commenters. The commission also declines to retain various individual provisions of the existing rules related to the formal complaint process, such as the docketing of formal complaints, as requested by commenters, because these provisions are unnecessary.

As described above, the formal complaint process has resulted in protracted and resource intensive contested cases, often involving claims requesting relief the commission is incapable of granting, minor disputes relative to the arduousness of the process, and delayed judicial or enforcement action. Under the adopted rules, the commission anticipates the enforcement-driven approach will achieve better, more efficient results for a greater number of consumers, especially those without the resources to obtain legal counsel to litigate a formal complaint. This brings the commission's complaint process in line with many of its peer agencies across the state that do not address complaints through contested cases.

The commission agrees with OPUC and TNMP that the proposed rule exceeds what is contemplated by SB 790. However, as noted by OPUC, the intent of SB 790 was to provide, for certain water and wastewater billing disputes, a "simple, inexpensive, and expeditious complaint process rather than only the complex, expensive, and long contested case route." The commission endorses this policy goal for water and wastewater billing disputes and extends this same reasoning to other areas with its jurisdiction. Additionally, the commission is not under any statutory obligation to utilize contested cases to process complaints, so exceeding what was specifically contemplated by SB 790 is permissible.

The commission appreciates the concerns related to the ability of individual complainants to bring their own cases in front of the commission. However, the commission expects the amended process to produce significantly better results for consumers and to be significantly more user friendly. Under the current process, potential complainants often express frustration over having to bring their own formal case at the conclusion of an informal complaint in which OCA identifies a possible violation that the regulated entity does not agree to remedy. The time and resources required to litigate a formal complaint is a significant barrier to doing so. By increasing DICE's role in the review of potential rule violations identified during the complaint process, experienced enforcement attorneys can act, not only on behalf of the individual customer, but on behalf of all similarly situated customers. Under the current process, enforcement actions are sometimes delayed until after the outcome of an ongoing formal complaint. The adopted rules eliminate that delay. Further, the elimination of the formal complaint process enables an individual complainant who is interested in pursuing legal action in a court of proper jurisdiction to do so sooner.

Regarding TNMP's claim that the revised process may lead to enforcement actions in scenarios in which an individual complainant may have decided not to file a formal complaint, the commission agrees. However, this is a benefit of the new

process. If a consumer does not file a formal complaint because the regulated entity decides to offer an individual refund or because they do not have the resources to pursue the complaint, it is still incumbent upon the commission to ensure that the regulated entity comes into compliance with the commission's rules. This is especially the case when an issue affects a large number of consumers, but the cost of litigation would exceed the possible benefit for any individual customer. However, as described above, DICE will exercise independent discretion over whether an enforcement action is appropriate, so increase in referrals to DICE will only result in more enforcement actions for entities that are not in compliance with commission rules.

The commission also agrees with commenters that value transparency and the benefit of a public record of compliance issues. As described above, an enforcement action - even one resolved via settlement agreement between DICE and the regulated entity - is not official until it is publicly docketed and acted on by the commission. Further, because a DICE investigation is likely to involve a more comprehensive audit of the compliance issue, the information in the record from an enforcement case will provide more details on the extent of the compliance issue without, in many cases, requiring the public filing of information related to individual complainants (e.g. rather than a single bill being offered as evidence, DICE may be able to show that hundreds of consumers experienced a billing error).

With regards to the Sierra Club's request for complaint data to be published on the commission's website, the commission declines to modify the rule to publicly post information related to complaints, because this data contains individual account information and other private customer data. However, the commission notes that aggregate complaint data is available on the commission's website, and information related to docketed enforcement actions is accessible on the filing interchange.

Comments Regarding Municipal Jurisdiction

TNMP and City/SUD Commenters each expressed concern over the proposed deletion of existing §22.242(e)(1), which required a complainant receiving electric, water, or sewer service within the limits of a city that has original jurisdiction over the applicable service type to present the complaint to the city prior to filing a formal complaint with the commission. These commenters argued that this obscured jurisdictional boundaries and may lead to consumers bypassing municipal complaint processes or result in a waste of commission resources on matters over which it has no jurisdiction. City/SUD Commenters explained that under existing processes, complaints outside of the commission's jurisdiction can be identified and dismissed early by the presiding officer. TNMP recommended that the rule clarify that certain complaints may be required to be submitted to municipalities retaining original jurisdiction, whereas City/SUD Commenters recommended that the rule requires OCA and DICE to perform jurisdictional checks before proceeding with their respective processes.

Commission Response

The commission declines to amend the rule as recommended by TNMP or City/SUD Commenters, because it is unnecessary. From a legal perspective, the commission cannot alter its jurisdiction by rule and the proposed rule already appropriately recognizes that complaints can only be filed against persons "under the jurisdiction of the commission" regarding statutes "the commission has jurisdiction to administer" or any commission order or rule (which only apply to matters and entities within the commission's jurisdiction). Accordingly, the proposed amendments

do not alter the jurisdictional landscape regarding municipal jurisdiction.

The commission disagrees that the recommended revisions are required to prevent issues outside of the jurisdiction from consuming commission resources. Under the existing process, an individual complainant that may be unfamiliar with the commission's jurisdiction was able to initiate a contested case proceeding unilaterally, resulting in unnecessary delays and litigation expenses for the parties even in instances where dismissal was appropriate. Under the revised rule, OCA can informally work with complainants and, as necessary, refer them to municipal complaint processes. Further, DICE attorneys should only bring enforcement actions that are within the commission's jurisdiction. Should they overstep the commission's authority, the cases can be dismissed just as formal complaints are under the existing process.

General Comments - Judicial Review

OPUC stated that the final rule needs to clarify if individuals can file complaints in district court and provide the level of judicial review so complainants can provide enough evidence on front-end of complaint process. OPUC stated that the proposed rule does not adequately outline contingencies in complaint process.

Commission Response

The commission cannot, by rule, determine what legal remedies are available to a dissatisfied complainant in district court. Once a consumer exhausts their administrative remedies with the commission, it is up to the consumer and their legal counsel, if any, to determine if a civil action is appropriate, and what type. However, the commission clarifies that the closing letter issued by OCA is not a formal action of the commission. It is documentation of the complaint resolution process and informal assessment of whether the entity complained against acted in accordance with commission rules.

However, to provide additional clarity for consumers, the commission modifies subsection (b) of the proposed rule to explicitly note that the closing of a complaint by OCA represents the exhaustion of remedies available under this section. The commission also modified the rule to explain that when the complainant exhausts its remedies at the commission, the complainant can seek any available remedies in a court of competent jurisdiction.

General Comments - REP complaint reporting

NEC requested that the commission reconsider how complaints against retail electric providers are reported by the commission in instances in which the OCA investigation determines that the provider fully complied with all applicable rules. NEC argued that reporting complaints that are ultimately found to be without merit can damage the reputation and goodwill a REP has worked to build. NEC offers an example of a complaint by an elderly customer that was unable to reach the intended recipient due to misdialing although they were provided a correct contact number by the REP.

Commission Response

The commission declines to modify how complaints are reported by the commission as requested by NEC. The commission agrees that there are instances in which complaints without substantive merit are filed, but this is a risk that is born equally by all REPs. As customer service entities, it is the prerogative of each REP to provide service and information to its customers in a manner that best serves those customers and minimizes

the risk of such mistakes occurring. Furthermore, the number of complaints received, and the number of violations found measure different variables and provide different insights into the performance of the REP. Finally, the way the commission reports complaints is beyond the noticed scope of this rulemaking proceeding.

Proposed §22.242 - Complaints

Proposed §22.242 establishes the procedural requirements for filing a complaint with the commission.

The commission significantly modifies the organization of the proposed rule for clarity and readability. The commission also makes minor phrasing adjustments throughout the rule to better align the language with the commission's processes, as described at the beginning of this order.

Proposed §22.242(c)(2) - Direct Reports to Enforcement

Proposed §22.242(c)(2) allows for a complainant to provide a complaint directly to DICE for evaluation, if the complaint meets specific exceptions in §22.242(c)(1). These exceptions mirror existing exceptions that allow a complainant to bypass the informal complaint process and file a formal complaint. The proposed rule does not include an equivalent provision that permitted a complainant to request to bypass the informal complaint process for other good cause.

OPUC and Consumer Commenters requested that the commission maintain the existing requirement that permitted a complainant to request a waiver of the informal complaint process for good cause, arguing that some issues are not appropriate for informal resolution.

SPS requests that regulated entities be provided notice when a complaint is submitted directly to DICE and be provided clear timelines and an opportunity to respond.

Commission Response

The commission agrees with OPUC and Consumer Commenters that there are issues that are not appropriate for informal resolution. To restore the requested provision in the absence of a formal complaint process, the commission modifies the rule such that a complainant can request OCA issue a closing letter and refer the complaint to DICE without informal resolution if the complaint meets one of the existing exceptions or for other good cause. This provides the OCA with the discretion to identify instances where its involvement is not likely to produce a successful resolution and allows the complainant to pursue other remedies. The closing letter will allow the complainant to demonstrate that they have exhausted their administrative remedies under this section, and the referral to DICE will allow enforcement staff to investigate the issue for potential compliance issues.

With regards to SPS's request for notice, timelines, and an opportunity to respond, the commission declines implement the specific modifications requested by SPS. Under the amended rule, OCA will issue a closing letter when a complaint bypasses informal resolution, which will serve as notice to the regulated entity, in addition to separate contacts from DICE if it elects to open an investigation. A regulated entity will generally have an opportunity to discuss any matters under investigation with DICE, as previously discussed. This addresses SPS's stated concerns. With regards to timelines, the commission declines to impose a timeline on DICE for reasons previously discussed.

Proposed §22.242(d) - Termination of informal resolution

Under proposed §22.242(d), commissions staff will attempt to resolve all complaints within 35 days of the date of the receipt of the complaint, and notify, in writing, the complainant and the regulated entity the status of the dispute at the end of the 35-day period. If OCA "finds or suspects" a violation at the conclusion of the investigation, the complaint and record will be transferred to DICE for review.

SPS recommended that the commission make revisions that clearly outline the commission's standard for when complaints rise to the level of being transferred to DICE, including a narrowing of the language "finds or suspects a violation" to complaints with a sufficiently defined bias. SPS and TNMP also recommended omitting the ambiguous language "suspects," which SPS argued could lead to an "excessive transfer of complaints in which no actual violation exists." SPS and TAWC requested that the commission provide notice when a complaint is transferred to DICE, and SPS requested clarification that a complaint being transferred to DICE is procedural and is not a comment on whether an actual violation has occurred.

Commission Response

The commission modifies language describing referrals to DICE to read: "If the Office of Consumer Assistance identifies a possible violation, the Office of Consumer Assistance will, after closing the complaint, refer the complaint and record to the commission's Division of Compliance and Enforcement for review." This revision addresses the commenters' concern with the proposed use of the term "suspects." It also clarifies that a referral is only required for a "possible violation," which addresses SPS's concern that a referral will be construed as a determination that a violation occurred.

The commission declines to require notice when a complaint is being referred to DICE for review because it is unnecessary. Under the amended rule, OCA will issue a closing letter that, among other things, will indicate whether it identified a possible violation, which is also the standard for referring a complaint to DICE for review. As described above, the regulated entity will also typically receive a contact from DICE when it opens an investigation. Further, any formal enforcement action brought by DICE will provide the regulated entity with notice and all other procedural rights required by law.

The commission disagrees, however, with the general premise that internal transfers of information between OCA and DICE implicate the rights of regulated entities. As previously described, DICE already performs a period review of the complaint database, including complaints that are flagged by OCA for further review. Under PURA § 14.002, "the commission shall adopt and enforce rules reasonably required in the exercise of its power and jurisdiction" and under the Texas Water Code § 13.041(b) the "utility commission shall adopt and enforce rules reasonably required in the exercise of [its] powers and jurisdiction." The commission's authorizing statutes each charge the commission with enforcing its rules, which is most important when there are directly-affected customers. The language in this rule represents the minimum standard for when OCA will refer a complaint to DICE for review, not a strictly defined and exclusive standard. For example, if a regulated entity receives multiple complaints alleging related issues, even if there is not enough evidence in any single complaint to conclude that there is a possible violation or specific nature of the violation is unclear, OCA may still elect to notify DICE of a possible issue.

TAWC recommended extending the 35-day review deadline to DICE to eliminate the need for responsive action from utilities after the review period ends, unless otherwise notified. SPS and City/SUD Commenters requested a procedural timeline for DICE's decisions.

Commission Response

The commission declines to modify the rule to extend the 35-day review deadline to DICE investigations as requested by TAWC. The 35-day review period is specifically intended to ensure that issues that can be resolved informally are done so efficiently. This narrow window encourages regulated entities to engage productively with the OCA and consumers, because it is typically in the entity's interest to resolve any disagreements with the customer rather than risk litigation. Under the adopted rule, this incentive will increase, because instead of risking the formal complaint process, an entity that has - for example, overbilled a customer - risks an enforcement investigation and administrative penalties. Additionally, a 35-day review period would hinder the ability of DICE to thoroughly investigate the entity. As described above, unlike an individual complaint that is intended to address a single issue, in many cases DICE will investigate the entire group of consumers experiencing the issue. This may take longer than informal resolution, but it will still often take less time than the full formal complaint process while potentially providing relief to more consumers.

The commission further declines to impose any other specific timelines on DICE, as requested by SPS and City/SUD Commenters for similar reasons.

Existing §22.242(h) - Continuation of service during processing of complaint

Existing §22.242(h) allowed the presiding officer over a formal complaint to issue an order requiring the service provider to continue to provide service during the processing of the complaint.

OPUC requested that the commission maintain existing language that directs utilities to continue providing service to customers through the complaint process so that aggrieved customers do not have to fear retaliation.

Commission Response

The commission declines to modify the rule to include the existing language allowing a presiding officer to issue an order requiring the person to continue to provide service during the processing of a formal complaint, because the adopted rule does not preserve the formal complaint process.

Statutory Authority

The amendment is adopted under Public Utility Regulatory Act (PURA) §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction; §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction.

Cross Reference to Statute: Public Utility Regulatory Act §14.001 and §14.002.

§22.242. *Complaints.*

(a) Complaint submission. Any affected person may submit a complaint to the commission regarding any act or thing done or omitted to be done by any person under the jurisdiction of the commission

in violation or claimed violation of any law which the commission has jurisdiction to administer or of any order, ordinance, rule, or regulation of the commission. A complaint under this section must be submitted, either in writing or by telephone, to the commission's Office of Consumer Assistance. Any requirements related to a complaint filed against a particular type of entity contained in other commission rules apply to a complaint filed against that type of entity under this rule. The Office of Consumer Assistance may request a complaint submitted by telephone be resubmitted in writing if necessary to complete investigation of the complaint.

(b) Complaint processing.

(1) The Office of Consumer Assistance will provide to the person filing the complaint and to the persons or entities complained about the commission's policies and procedures pertaining to complaint investigation and resolution.

(2) The Office of Consumer Assistance will investigate the complaint and attempt to resolve the complaint.

(3) The Office of Consumer Assistance will close the complaint and issue a written letter notifying the complainant and the person against whom the complainant is seeking relief of the status of the dispute no later than 35 days after the complaint is submitted, unless unexpected complaint volume, emergency conditions, or other good cause exists to leave a complaint open for longer than 35 days.

(4) The Office of Consumer Assistance's closure of a complaint concludes the complaint process established by this section and exhausts any administrative remedy available under this section with respect to the subject matter of the complaint. A complainant who has exhausted administrative remedies at the commission may pursue available remedies in a court of competent jurisdiction.

(5) If the Office of Consumer Assistance identifies a possible violation, the Office of Consumer Assistance will, after closing the complaint, refer the complaint and record to the commission's Division of Compliance and Enforcement for review.

(6) Any investigation or enforcement proceeding initiated by the Division of Compliance and Enforcement related to any matter contained in a complaint submitted under this section is a separate action to which the original complainant is not a party. The procedures and standards for any subsequent enforcement proceeding are governed by the rules and statutes applicable to that action.

(c) Complaint records. The Office of Consumer Assistance will keep a file about each complaint submitted under this section that the commission has the authority to resolve, including the complaint and other documentation related to the complaint. The Office of Consumer Assistance will also record and retain information about each complaint submitted under this section. The commission will retain the file and information in conformance with the agency's records retention schedule as approved by the Texas State Library and Archives Commission. The information must include:

- (1) the date the complaint is received;
- (2) the name of the complainant;
- (3) the subject matter of the complaint;
- (4) a record of all persons contacted in relation to the complaint;
- (5) a summary of the results of the review or investigation of the complaint; and

(6) for complaints for which the commission took no action, an explanation of the reason the complaint was closed without action.

(d) Exceptions to informal resolution.

(1) A complainant may request the Office of Consumer Assistance issue a closing letter and refer a complaint to the Division of Compliance and Enforcement without informal resolution, if:

(A) the complainant is commission staff, the Office of Public Utility Counsel, or any city;

(B) the complaint is filed by a person alleging that an electric utility or a telecommunications utility has engaged in anti-competitive practices;

(C) the complaint has been the subject of a complaint proceeding conducted by a city;

(D) the complaint is filed by a person alleging that a water or sewer utility has abandoned the service of the utility; or

(E) the complaint is filed by a person alleging that a wholesale water or sewer provider has discontinued, reduced, or impaired its wholesale water or sewer service to its customers for reasons other than those specified in §24.88 of this title (relating to Discontinuance of Service).

(2) For any complaint that is not listed in paragraph (1) of this subsection, the complainant may submit to the Office of Consumer Assistance a written request to issue a closing letter and or refer the complaint to the Division of Compliance and Enforcement without informal resolution. The complainant must clearly state the reasons informal resolution is not appropriate. The Office of Consumer Assistance may grant the request for good cause.

(e) List of cities without regulatory authority. The commission will maintain and make available to the public a list of the municipalities that do not have exclusive original jurisdiction over all electric rates, operations, and services provided by an electric utility within its city or town limits and a list of the municipalities that have surrendered to the commission original jurisdiction over the rates charged by a utility for retail water or sewer service within the corporate boundaries of the municipality.

(f) This section does not affect the availability of any other proceeding, petition, application, appeal, or other avenue for relief otherwise available before the commission. Additionally, nothing in this section limits the commission's authority to consider and resolve matters within its jurisdiction.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 1, 2026.

TRD-202604205

Katelyn Lewis

Rules Coordinator

Public Utility Commission of Texas

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For further information, please call: (512) 936-7044

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CHAPTER 24. SUBSTANTIVE RULES APPLICABLE TO WATER AND SEWER SERVICE PROVIDERS SUBCHAPTER F. CUSTOMER SERVICE AND PROTECTION

16 TAC §24.153

The Public Utility Commission of Texas (commission) adopts amendments §24.153, relating to Customer Relations with changes to the proposed text as published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2859). The rule will be republished.

This adopted rule will implement Texas Water Code (TWC) §13.5051 as enacted by Senate Bill (SB) 790 during the Texas 89th Regular Legislative Session and Texas TWC §13.153 as enacted by SB 1778 during the Texas 88th Regular Legislative Session. The adopted rules streamline the commission's complaints process for all utilities under the commission's jurisdiction and bring the commission's complaint process in line with the processes of other agencies across the state. The adopted rules additionally allow, upon customer request, a retail public utility to initiate, transfer, or terminate a customer's retail water or sewer service.

Public Comments

Comments were received by Vikki Payne; Kim Graff; NEC Co-Op Energy; John Deare; Tessa Comstock; Jessica Moreno; Gloria Hanes; Hunter Hanes; Jared Wynne; Stephen Shimeall; Tammy Chambers; Texas Association of Water Companies, Inc (TAWC); Texas-New Mexico Power Company (TNMP); Texas REP Coalition; Office of Public Utility Counsel (OPUC); Southwestern Public Service Company (SPS); City of Royse City, City of Sanger, City of Terrell, County Line Special Utility District, and Springs Hill Special Utility District (City/SUD Commenters); Connie Glass; Richard McCaffrey; Melissa Stanley; and Leslie Rodas.

The commission also received substantially identical comments from Alyxandra Dykema, Anita Kay Long, Desiree Frantz, Daniel Bookner, Elise K. Long, Heather Screws, Jared Wynne, Johnathan Stewart, Johnathan Monjaras, James Kelly, Mary Lou Marroquin; Karen Ladd, Susan Bacon, Troy Henry, Wendy Abramson (collectively, Consumer Commenters).

On July 25, 2026, the commission held a public hearing in response to hearing requests filed by the Consumer Commenters. At this hearing, commission staff received comments from Sierra Club, Bianca Guerrero, Sydney Holzman, Pam Hubbert on behalf of Tyler Croft, Pam Hubbert (herself), Jim Smith, Kim Bond, OPUC, and CenterPoint.

Clarification of Commission Divisions and Processes

The commission notes that at the time of publication and public comment, the commission's Office of Consumer Assistance (OCA) was called the Consumer Protection Division. For clarity, the commission has modified the proposed rules to properly refer to the OCA and uses the division's current name uniformly throughout this order.

The commission also clarifies that any reference to an "informal" complaint or complaint process is a reference to the process whereby the OCA investigates an individual's complaint against an entity under the commission's jurisdiction to evaluate whether

a possible violation of commission rule has taken place and assists the parties in coming to an informal resolution. For example, if a consumer and a service provider disagree as to whether a charge was properly applied to the consumer's bill, an investigator from the OCA will review the commission's substantive rules and any available documentation, communicate with both parties, and attempt to reach an agreement between the complainant and the regulated entity as to whether the charge was appropriate and whether any additional action, such as a refund, is required by commission rule.

At the conclusion of the complaint resolution process, the OCA will provide the complainant and the regulated entity with a closing letter with a summary of the complaint, any known remedial actions that were taken, and an assessment of whether the available documentation suggests the regulated entity may have committed any violations of commission rules. Critically, this is not a formal legal decision made by the commission. Historically, this process successfully resolves a significant majority of complaints. By contrast, any reference to a "formal" complaint or complaint process is a reference to a contested case proceeding in which an individual complainant submits a complaint against an entity under the commission's jurisdiction for formal adjudication. A formal complaint is docketed, usually referred to the State Office of Administrative Hearings (SOAH) for a hearing, and concludes with a binding legal determination in the form of a final order by the commission. At the conclusion of the formal complaint process, including any motions for rehearing, if either party is unsatisfied with the result, they can appeal the commission's decision in a court of proper jurisdiction.

Unlike the informal complaint process, which is designed to efficiently resolve complaints in a manner that does not require legal training, the formal complaint process is an adversarial legal proceeding with strict procedural and evidentiary rules, like a proceeding in civil court. An attorney from the commission's Legal Division participates as a party in each formal proceeding. However, this staff attorney represents the public interest throughout the proceeding, not the individual complainant or the entity against whom the complaint is brought. Accordingly, the complainant is required to either hire their own legal counsel or represent themselves throughout the proceeding.

In addition to the formal and informal complaint processes, the commission also has a Division of Compliance and Enforcement (DICE). DICE is staffed with enforcement attorneys and analysts and is primarily tasked with bringing entities that are under the commission's jurisdiction into compliance with applicable rules and statutes. DICE is also responsible for bringing enforcement actions against entities for violations of these rules and statutes. Like the formal complaint process, a DICE enforcement action is a contested case that is docketed, may be referred to SOAH for a hearing, and ends with a final order issued by the commission. However, DICE investigations differ from formal complaints in several meaningful ways. Unlike the formal complaint process, in which the commission can typically only grant the relief requested by the individual complainant, DICE has the discretion to seek a wide array of outcomes, such as license revocation, disgorgement, or administrative penalties. DICE may also identify additional violations or seek beneficial outcomes for an entire customer base. For example, an individual ratepayer may file a formal complaint to seek a refund for a particular billing error; a DICE investigation into that service provider might uncover dozens or hundreds of consumers that experienced that same error and that the billing documents themselves do not comply

with commission rules. Further, DICE can monitor compliance over time and seek escalating penalties for recurring violations.

A DICE investigation is also different from a formal complaint, because the litigants are DICE and the regulated entity. Individual complainants do not participate in these proceedings as named parties. In nearly every instance, this leads to better outcomes for consumers than the formal complaint process, because DICE has more leverage over regulated entities and more experience with the commission's rules than an individual complainant. DICE is also able to exercise enforcement discretion in its investigations, avoiding protracted legal disputes over frivolous claims, providing benefit to consumers and regulated entities. Further, because a DICE investigation is not an individual remedy sought by a single complainant like a formal complaint, a complainant is not prohibited from pursuing a separate action in a court of proper jurisdiction during the pendency of the DICE investigation.

Process Sequencing under Existing and Amended Rules

Existing Complaint Process

Under existing rules, a complainant is required to begin the complaint process by filing an informal complaint with the OCA. As described above, an investigator from the OCA attempts to resolve the complaint within 35 days from the date on which the complaint is received. At the conclusion of this informal process, the investigator will issue a closing letter that notifies the complainant that if the complaint was not resolved to their satisfaction, the complainant may file a formal complaint with the commission. In some instances, such as when the complaint involves accusations of anti-competitive practices, abandonment, or improper disconnection of service, the complainant is permitted to bypass the informal complaint process and proceed directly to the formal complaint stage. The existing process also permits a complainant to request a good cause exception and bypass the informal complaint process for other reasons. These provisions exist because some issues are poorly suited for informal resolution and are better determined by the commission or another court of proper jurisdiction.

Amended Complaint Process

Under the amended process, the informal complaint process will proceed as described above. At the conclusion of the informal complaint process, if a complainant is not satisfied with the outcome of the process, they are then free to pursue an action in a court of proper jurisdiction. Additionally, if the OCA identifies a possible violation during its investigation, it will refer the complaint to DICE for evaluation. As described above, DICE will investigate the regulated entity for compliance with applicable law and use reasonable enforcement discretion in determining whether to pursue a separate enforcement action against the regulated entity. Finally, the amended process also preserves the list of exceptions and the ability for a complainant to request a good cause exception to the informal resolution process for good cause. Under the amended process, this takes the form of a request to OCA to issue a closing letter and refer the matter to DICE. As with the existing process, this allows interested litigants to exhaust their administrative entities sooner and clears the way for DICE to bring a separate enforcement action against the entity, if it is deemed appropriate to do so.

Ongoing Formal and Informal Complaints

On the effective date of amended §22.242, complainants will no longer be able to file a formal complaint as a contested case at

the commission upon the conclusion of the informal complaint process. This includes any pending informal complaints. However, any formal complaint properly filed up until the day before that section's effective date will be processed as a contested case under the existing rule and is eligible for adjudication at SOAH.

DICE Investigation Process

A number of commenters had questions related to how the commission's enforcement process will operate under the new rule. To provide more transparency on this subject, the commission provides the following discussion of DICE's current process.

Broadly speaking, DICE has discretion to investigate entities under the jurisdiction of the commission for compliance with applicable legal requirements. With regards to informal complaints, DICE currently has several processes in place for reviewing informal complaints for potential violations, including a periodic review of the complaint database. This periodic review identifies entities with multiple complaints for increased scrutiny to ensure prudent use of the commission's resources. DICE also targets complaints based on the severity of the alleged violation and complaints flagged by the OCA for further review. Under the new rule, the coordination of efforts between the two divisions will increase by establishing a more direct pipeline to DICE for complaints involving potential violations identified by the OCA and, if appropriate, an increased cadence of DICE's periodic review of the complaint database. However, in every instance, DICE will base its decision on whether to pursue enforcement on its own evaluation of the regulated entity's compliance with applicable law, which is not limited to the issues, evidence, or consumers involved in a referred complaint.

As stated above, a DICE enforcement action is a contested case that, with a few exceptions involving preventing imminent harm to the public, affords the regulated entity with notice and opportunity to request a hearing. As with formal complaints, these contested cases are public and conclude with formal commission action at an open meeting.

Several comments by regulated entities also expressed concerns regarding notice of a DICE investigation or the expenditure of resources associated with enforcement actions. Because DICE will continue to conduct a periodic review of every complaint, it is not practicable for DICE to provide notice in every instance in which it is reviewing an informal complaint. However, DICE will continue its general practice of contacting most regulated entities when it opens an actual investigation prior to taking formal enforcement action (in certain instances, DICE will forego informal communications and proceed immediately to taking formal action in front of the commission). These contacts typically include an opening letter, notifying the regulated entity that an investigation has been opened and providing the investigation number, and a finding of violation, which includes a description of suspected violations and any punitive measures, such as an administrative penalty, that DICE intends to recommend to the commission. DICE also requests any necessary documentation from the regulated entity it needs to continue its investigation. Historically, DICE is often able to secure the agreement of the regulated entity to come into compliance with commission rules and remediate any suspected violations without the need for a burdensome administrative hearing at SOAH. Even in situations in which DICE and the regulated entity reach a settlement agreement on the facts and appropriate remedy, however, the decision is not final until it is publicly filed and approved by the commission at an open meeting, ensuring transparency.

Other Proceedings

The commission has broad jurisdiction under PURA and TWC over a variety of matters involving utilities and other regulated entities. Amended §22.242's streamlined complaint process should not be read to foreclose parties from petitioning the commission for relief that other laws may afford. And, the rule should not be read to limit the commission's authority over (or interest in resolving) other types of disputes not addressed in the amended rule. For example, the adoption of this rule would not affect a person's right to dispute ERCOT conduct under §22.251, relating to Review of Electric Reliability Council of Texas (ERCOT) Conduct. Nor would it preclude a retail public utility's ability to request cease and desist relief from the commission under TWC § 13.252. Accordingly, the commission modifies §22.242 to include a savings clause that clarifies that §22.242 does not alter the jurisdiction and processes established in other laws.

General Comments - Individual complaints

A number of comments were filed that contained complaints against specific regulated entities. These complaints addressed a variety of issues including rate increases, high base rates, subdivision fees, and system improvement charges. Commenters also described water quality issues, inaccurate or inconsistent meter reads, and concern over utility billing practices. As a result of these issues, commenters indicated that they were experiencing financial strain and, in some cases, poor health outcomes. The contents of these complaints are beyond the scope of this rulemaking proceeding. For complaints within the commission's jurisdiction, the commission recommends the commenters file a complaint with OCA under the provisions of adopted §22.272, which can be located on the commission's website or in the rule text contained in this order.

Some of the commenters described water quality issues over which the commission does not have primary jurisdiction. To file a water quality complaint that is not related to water rates or billing with the Texas Commission of Environmental Quality (TCEQ), a complainant may email TCEQ with further details at complaint@tceq.texas.gov or fill out a survey at https://www.surveymonkey.com/r/Environmental_Complaints.

General Comments - Formal complaints

As described above, one of the primary features of the proposed rules is the elimination of the formal complaint process. Several commenters expressed support or opposition to this procedural shift in general comments and with regards to specific rule sections associated with the formal complaint process. Because these comments all hinge on whether the commission retains its current formal complaint process, it addresses these comments together (e.g. if the commission eliminates the formal complaint process, provisions related to the docketing of formal complaints are unnecessary).

The Texas REP Coalition, TAWC, and SPS expressed support for the proposed elimination of the formal complaint process. TAWC argued that its members have often experienced lengthy and costly formal complaint proceedings that involve issues that have already been favorably evaluated by OCA. TAWC supported leaving discretion over whether a complaint merits additional treatment beyond the informal complaint stage with DICE. TAWC indicated that the proposed changes will "reduce the level of resources devoted to complaint proceedings by stakeholders and the commission while still affording each complaint the appropriate level of review based on its merits." The Texas REP

Coalition argued the proposal represents a customer-friendly approach that offers an accessible and efficient process for competitive retail electric service dispute resolution. OCA, they argued, has robust experience with disputes between consumers and retail electric providers (REPs) and has more frequent engagement with the commission's customer protection rules than a SOAH administrative law judge.

In opposition to the proposed rule, OPUC and TNMP noted that the proposal exceeds what is contemplated by SB 790, which authorized streamlining of water and wastewater billing disputes between tenants and property owners. These commenters requested the commission align its proposal with the scope of SB 790.

Several commenters, including Consumer Commenters, Sydney Holzman, Pam Hubbert on behalf of Tyler Croft, and Bianca Guerrero, TNMP, and OPUC argued that formal complaints are necessary to preserve the ability of a complainant to seek relief directly before the commission. Bianca Guerrero argued that the formal complaint process allows communities to present evidence on water quality and peer reviewed research to hold utilities responsible. OPUC argued that the formal complaint process is an important tool that provides consumers with a means of obtaining relief before the Commission. OPUC also argued that administrative feasibility and efficiency "should never occur at the sacrifice of the voice of the public citizen." Conversely, TNMP argued that it was important to leave discretion over whether to bring a formal complaint with the complainant (rather than DICE), because in many instances the complainant may elect not to pursue the formal complaint process. TNMP argues that this blurs the line between informal resolution and enforcement, potentially leading to duplicative reviews and subjecting regulated entities to enforcement review without a clearly articulated basis.

Consumer Commenters, OPUC, Sydney Holzman, Sierra Club, Pam Hubbert on behalf of Tyler Croft, Bianca Guerrero, and Stephen Shimeall argued that the formal complaint process, and specifically the docketing of formal complaints, was necessary for transparency. Pam Hubbert on behalf of Tyler Croft argued that docketed complaints established a public evidentiary record that could be used to prove repeat issues, and that internal agency processing may obscure recurring issues. The Sierra Club argued for public facing data and outcomes regarding complaints against utilities and the resolutions displayed on the commission's website. Sydney Holzman expressed concerns that the new process will allow utilities to bury complaints, and Bianca Guerrero argued that the new process will result in less effective oversight. OPUC argued that the potential docketing of a complaint encourages regulated entities to help efficiently resolve informal complaints.

Commission Response

The commission declines to modify the rule to retain the existing formal complaint process, as requested by commenters. The commission also declines to retain various individual provisions of the existing rules related to the formal complaint process, such as the docketing of formal complaints, as requested by commenters, because these provisions are unnecessary.

As described above, the formal complaint process has resulted in protracted and resource intensive contested cases, often involving claims requesting relief the commission is incapable of granting, minor disputes relative to the arduousness of the process, and delayed judicial or enforcement action. Under

the adopted rules, the commission anticipates the enforcement-driven approach will achieve better, more efficient results for a greater number of consumers, especially those without the resources to obtain legal counsel to litigate a formal complaint. This brings the commission's complaint process in line with many of its peer agencies across the state that do not address complaints through contested cases.

The commission agrees with OPUC and TNMP that the proposed rule exceeds what is contemplated by SB 790. However, as noted by OPUC, the intent of SB 790 was to provide, for certain water and wastewater billing disputes, a "simple, inexpensive, and expeditious complaint process rather than only the complex, expensive, and long contested case route." The commission endorses this policy goal for water and wastewater billing disputes and extends this same reasoning to other areas with its jurisdiction. Additionally, the commission is not under any statutory obligation to utilize contested cases to process complaints, so exceeding what was specifically contemplated by SB 790 is permissible.

The commission appreciates the concerns related to the ability of individual complainants to bring their own cases in front of the commission. However, the commission expects the amended process to produce significantly better results for consumers and to be significantly more user friendly. Under the current process, potential complainants often express frustration over having to bring their own formal case at the conclusion of an informal complaint in which OCA identifies a possible violation that the regulated entity does not agree to remedy. The time and resources required to litigate a formal complaint is a significant barrier to doing so. By increasing DICE's role in the review of potential rule violations identified during the complaint process, experienced enforcement attorneys can act, not only on behalf of the individual customer, but on behalf of all similarly situated customers. Under the current process, enforcement actions are sometimes delayed until after the outcome of an ongoing formal complaint. The adopted rules eliminate that delay. Further, the elimination of the formal complaint process enables an individual complainant who is interested in pursuing legal action in a court of proper jurisdiction to do so sooner.

Regarding TNMP's claim that the revised process may lead to enforcement actions in scenarios in which an individual complainant may have decided not to file a formal complaint, the commission agrees. However, this is a benefit of the new process. If a consumer does not file a formal complaint because the regulated entity decides to offer an individual refund or because they do not have the resources to pursue the complaint, it is still incumbent upon the commission to ensure that the regulated entity comes into compliance with the commission's rules. This is especially the case when an issue affects a large number of consumers, but the cost of litigation would exceed the possible benefit for any individual customer. However, as described above, DICE will exercise independent discretion over whether an enforcement action is appropriate, so increase in referrals to DICE will only result in more enforcement actions for entities that are not in compliance with commission rules.

The commission also agrees with commenters that value transparency and the benefit of a public record of compliance issues. As described above, an enforcement action - even one resolved via settlement agreement between DICE and the regulated entity - is not official until it is publicly docketed and acted on by the commission. Further, because a DICE investigation is likely to involve a more comprehensive audit of the compliance issue,

the information in the record from an enforcement case will provide more details on the extent of the compliance issue without, in many cases, requiring the public filing of information related to individual complainants (e.g. rather than a single bill being offered as evidence, DICE may be able to show that hundreds of consumers experienced a billing error).

With regards to the Sierra Club's request for complaint data to be published on the commission's website, the commission declines to modify the rule to publicly post information related to complaints, because this data contains individual account information and other private customer data. However, the commission notes that aggregate complaint data is available on the commission's website, and information related to docketed enforcement actions is accessible on the filing interchange.

Comments Regarding Municipal Jurisdiction

TNMP and City/SUD Commenters each expressed concern over the proposed deletion of existing §22.242(e)(1), which required a complainant receiving electric, water, or sewer service within the limits of a city that has original jurisdiction over the applicable service type to present the complaint to the city prior to filing a formal complaint with the commission. These commenters argued that this obscured jurisdictional boundaries and may lead to consumers bypassing municipal complaint processes or result in a waste of commission resources on matters over which it has no jurisdiction. City/SUD Commenters explained that under existing processes, complaints outside of the commission's jurisdiction can be identified and dismissed early by the presiding officer. TNMP recommended that the rule clarify that certain complaints may be required to be submitted to municipalities retaining original jurisdiction, whereas City/SUD Commenters recommended that the rule requires OCA and DICE to perform jurisdictional checks before proceeding with their respective processes.

Commission Response

The commission declines to amend the rule as recommended by TNMP or City/SUD Commenters, because it is unnecessary. From a legal perspective, the commission cannot alter its jurisdiction by rule and the proposed rule already appropriately recognizes that complaints can only be filed against persons "under the jurisdiction of the commission" regarding statutes "the commission has jurisdiction to administer" or any commission order or rule (which only apply to matters and entities within the commission's jurisdiction). Accordingly, the proposed amendments do not alter the jurisdictional landscape regarding municipal jurisdiction.

The commission disagrees that the recommended revisions are required to prevent issues outside of the jurisdiction from consuming commission resources. Under the existing process, an individual complainant that may be unfamiliar with the commission's jurisdiction was able to initiate a contested case proceeding unilaterally, resulting in unnecessary delays and litigation expenses for the parties even in instances where dismissal was appropriate. Under the revised rule, OCA can informally work with complainants and, as necessary, refer them to municipal complaint processes. Further, DICE attorneys should only bring enforcement actions that are within the commission's jurisdiction. Should they overstep the commission's authority, the cases can be dismissed just as formal complaints are under the existing process.

General Comments - Judicial Review

OPUC stated that the final rule needs to clarify if individuals can file complaints in district court and provide the level of judicial review so complainants can provide enough evidence on front-end of complaint process. OPUC stated that the proposed rule does not adequately outline contingencies in complaint process.

Commission Response

The commission cannot, by rule, determine what legal remedies are available to a dissatisfied complainant in district court. Once a consumer exhausts their administrative remedies with the commission, it is up to the consumer and their legal counsel, if any, to determine if a civil action is appropriate, and what type. However, the commission clarifies that the closing letter issued by OCA is not a formal action of the commission. It is documentation of the complaint resolution process and informal assessment of whether the entity complained against acted in accordance with commission rules.

However, to provide additional clarity for consumers, the commission modifies subsection (b) of the proposed rule to explicitly note that the closing of a complaint by OCA represents the exhaustion of remedies available under this section. The commission also modified the rule to explain that when the complainant exhausts its remedies at the commission, the complainant can seek any available remedies in a court of competent jurisdiction.

General Comments - REP complaint reporting

NEC requested that the commission reconsider how complaints against retail electric providers are reported by the commission in instances in which the OCA investigation determines that the provider fully complied with all applicable rules. NEC argued that reporting complaints that are ultimately found to be without merit can damage the reputation and goodwill a REP has worked to build. NEC offers an example of a complaint by an elderly customer that was unable to reach the intended recipient due to misdialing although they were provided a correct contact number by the REP.

Commission Response

The commission declines to modify how complaints are reported by the commission as requested by NEC. The commission agrees that there are instances in which complaints without substantive merit are filed, but this is a risk that is born equally by all REPs. As customer service entities, it is the prerogative of each REP to provide service and information to its customers in a manner that best serves those customers and minimizes the risk of such mistakes occurring. Furthermore, the number of complaints received, and the number of violations found measure different variables and provide different insights into the performance of the REP. Finally, the way the commission reports complaints is beyond the noticed scope of this rulemaking proceeding.

Proposed §24.153(e) - Customer Request to Modify Service

Proposed §24.153(e) allows a retail public utility to initiate, transfer, or terminate a customer's retail water or sewer service upon receipt of a customer's request by mail, telephone, through an Internet website, or through another means of transmission.

OPUC recommended that the commission modify the proposed rule language to require, rather than allow, the retail public utility to initiate, transfer, or terminate retail water or sewer service upon receipt of a customer request. OPUC also requested the rule be modified to require the transfer within three days or allow the customer to file a complaint with the commission. Finally,

OPUC requested the rule be amended to require the utility to verify the identity of the customer prior to initiating the requested action.

Commission Response

The commission declines to modify the rule, as requested by OPUC. The proposed amendments to this rule implement the provisions of SB 1778 (88th R.S.), and the proposed language mirrors the statutory language from the legislation. As indicated by the bill analysis, this legislation was intended to improve the ease of initiating service changes by expanding the permissible methods of requesting such changes beyond United States mail. The statute does not require every retail public utility to accept every method, or impose the additional requirements recommended by OPUC.

Proposed §25.485(c) - Complaint Handling

Existing §25.485(c) includes provisions that prohibit the ability of a REP to, as part of the terms of service, require residential or small commercial customers to engage in alternative dispute resolution.

The Texas REP Coalition recommended redlines to this provision that would only prohibit REPs from requiring alternative dispute resolution as a prerequisite or alternative to filing a complaint with the commission. The Texas REP Coalition also recommended that the commission clarify that voluntary arbitration agreements, which exclusively apply to circumstances that would involve transitional litigation in district court, can be included in a REP's terms of service. The Texas REP Coalition argued that these revisions would ensure that commission rules were consistent with Section 2 of the Federal Arbitration Act and related court decisions and eliminate the risk of federal preemption.

Commission Response

The commission declines to modify the rule's prohibitions against requiring residential and small commercial customers to agree to alternative dispute resolution as part of a terms of service document. These rule provisions were initially adopted as important customer protections that were not noticed for amendment in this project. Even if, as the Texas REP Coalition contends, the rule is inconsistent with federal law, the possible amendments to address the inconsistency require public scrutiny prior to adoption.

Statutory Authority

The amendment is adopted under Texas Water Code §13.041(a), which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by the Texas Water Code that is necessary and convenient to the exercise of that power and jurisdiction; Texas Water Code §13.041(b), which provides the commission with the authority to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction Texas Water Code §13.153, which provides a retail public utility to initiate, transfer, or terminate a customer's service upon receipt of a request from the customer, which can be made via various means such as mail, telephone, or electronic transmission.

Cross Reference to Statute: Texas Water Code §13.041(a); §13.041(b); and §13.153.

§24.153. *Customer Relations.*

(a) Information to customers.

(1) Upon receipt of a request for service or service transfer, the utility must fully inform the service applicant or customer of the cost of initiating or transferring service. The utility must clearly inform the service applicant which service initiation costs will be borne by the utility and which costs are to be paid by the service applicant. The utility must inform the service applicant if any cost information is estimated. Also see §24.161 of this title (relating to Response to Requests for Service by a Retail Public Utility Within Its Certificated Area).

(2) The utility must notify each service applicant or customer who is required to have a customer service inspection performed. This notification must be in writing and include the applicant's or customer's right to get a second customer service inspection performed by a qualified inspector at their expense and their right to use the least expensive backflow prevention assembly acceptable under 30 TAC §290.44(h) (relating to Water Distribution) if such is required. The utility must ensure that the customer or service applicant receives a copy of the completed and signed customer service inspection form and information related to thermal expansion problems that may be created if a backflow prevention assembly or device is installed.

(3) Upon request, the utility must provide the customer or service applicant with a free copy of the applicable rate schedule from its approved tariff. A complete copy of the utility's approved tariff must be available at its local office for review by a customer or service applicant upon request.

(4) Each utility must maintain a current set of maps showing the physical locations of its facilities. All facilities (production, transmission, distribution or collection lines, treatment plants, etc.) must be labeled to indicate the size, design capacity, and any pertinent information that will accurately describe the utility's facilities. These maps, and such other maps as may be required by the commission, must be kept by the utility in a central location and must be available for commission inspection during normal working hours.

(5) Each utility must maintain a current copy of the commission's substantive rules of this chapter at each office location and make them available for customer inspection during normal working hours.

(6) Each water utility must maintain a current copy of 30 TAC Chapter 290, Subchapter D (relating to Rules and Regulations for Public Water Systems), at each office location and make them available for customer inspection during normal working hours.

(b) Customer complaints. Customer complaints are also addressed in §24.155 of this title (relating to Resolution of Disputes).

(1) Upon receipt of a complaint from a customer or service applicant, either in person, by letter or by telephone, the utility must promptly conduct an investigation and report its finding(s) to the complainant.

(2) In the event the complainant is dissatisfied with the utility's report, the utility must advise the complainant of recourse through the Public Utility Commission of Texas complaint process. The commission encourages all complaints to be made in writing to assist the commission in maintaining records on the quality of service of each utility.

(3) Each utility must make an initial response to the commission within 15 days of receipt of a complaint from the commission on behalf of a customer or service applicant. The commission may require a utility to provide a written response to the complainant, to the commission, or both. Pending resolution of a complaint, the commission may require continuation or restoration of service.

(4) The utility must keep a record of all complaints for a period of two years following the final settlement of each complaint. The record of complaint must include the name and address of the complainant, the date the complaint was received by the utility, a description of the nature of the complaint, and the adjustment or disposition of the complaint.

(c) Telephone number. For each of the systems it operates, the utility must maintain and note on the customer's monthly bill either a local or toll-free telephone number (or numbers) to which a customer can direct questions about their utility service.

(d) Local office.

(1) Unless otherwise authorized by the commission in response to a written request, each utility must have an office in the county or immediate area (within 20 miles) of a portion of its utility service area in which it keeps all books, records, tariffs, and memoranda required by the commission.

(2) Unless otherwise authorized by the commission in response to a written request, each utility must make available and notify customers of a business location where applications for service can be submitted and payments can be made to prevent disconnection of service or to restore service after disconnection for nonpayment, nonuse, or other reasons specified in §24.167 of this title (relating to Discontinuance of Service). The business location must be located:

(A) in each county where utility service is provided; or

(B) not more than 20 miles from any residential customer if there is no location to receive payments in that county.

(3) Upon request by the utility, the requirement for a local office may be waived by the commission if the utility can demonstrate that these requirements would cause a rate increase or otherwise harm or inconvenience customers. Unless otherwise authorized by the commission in response to a written request, such utility must make available and notify customers of a location within 20 miles of each of its utility service facilities where applications for service can be submitted and payments can be made to prevent disconnection of service or restore service after disconnection for nonpayment, nonuse, or other reasons specified in §24.167 of this title.

(e) A retail public utility may initiate, transfer, or terminate a customer's retail water or sewer service on receipt of a customer's request by mail, by telephone, through an Internet website, or through another electronic transmission.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 1, 2026.

TRD-202604206

Katelyn Lewis

Rules Coordinator

Public Utility Commission of Texas

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For further information, please call: (512) 936-7044

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

SUBCHAPTER R. CUSTOMER PROTECTION RULES FOR RETAIL ELECTRIC SERVICE PROVIDERS

16 TAC §25.485

The Public Utility Commission of Texas (commission) adopts amendments §25.485, relating to Customer Access and Complaint Handling with changes to the proposed text as published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2861). The rule will be republished.

The adopted rule will streamline the commission's complaints process for all utilities under the commission's jurisdiction and bring the commission's complaint process in line with the processes of other agencies across the state.

Public Comments

Comments were received by Vikki Payne; Kim Graff; NEC Co-Op Energy; John Deare; Tessa Comstock; Jessica Moreno; Gloria Hanes; Hunter Hanes; Jared Wynne; Stephen Shimeall; Tammy Chambers; Texas Association of Water Companies, Inc (TAWC); Texas-New Mexico Power Company (TNMP); Texas REP Coalition; Office of Public Utility Counsel (OPUC); Southwestern Public Service Company (SPS); City of Royse City, City of Sanger, City of Terrell, County Line Special Utility District, and Springs Hill Special Utility District (City/SUD Commenters); Connie Glass; Richard McCaffrey; Melissa Stanley; and Leslie Rodas.

The commission also received substantially identical comments from Alyxandra Dykema, Anita Kay Long, Desiree Frantz, Daniel Bookner, Elise K Long, Heather Screws, Jared Wynne, Johnathan Stewart, Johnathan Monjaras, James Kelly, Mary Lou Marroquin; Karen Ladd, Susan Bacon, Troy Henry, Wendy Abramson (collectively, Consumer Commenters).

On July 25, 2026, the commission held a public hearing in response to hearing requests filed by the Consumer Commenters. At this hearing, commission staff received comments from Sierra Club, Bianca Guerrero, Sydney Holzman, Pam Hubbert on behalf of Tyler Croft, Pam Hubbert (herself), Jim Smith, Kim Bond, OPUC, and CenterPoint.

Clarification of Commission Divisions and Processes

The commission notes that at the time of publication and public comment, the commission's Office of Consumer Assistance (OCA) was called the Consumer Protection Division. For clarity, the commission has modified the proposed rules to properly refer to the OCA and uses the division's current name uniformly throughout this order.

The commission also clarifies that any reference to an "informal" complaint or complaint process is a reference to the process whereby the OCA investigates an individual's complaint against an entity under the commission's jurisdiction to evaluate whether a possible violation of commission rule has taken place and assists the parties in coming to an informal resolution. For example, if a consumer and a service provider disagree as to whether a charge was properly applied to the consumer's bill, an investigator from the OCA will review the commission's substantive rules and any available documentation, communicate with both parties, and attempt to reach an agreement between the complainant and the regulated entity as to whether the charge was appropriate and whether any additional action, such as a refund, is required by commission rule.

At the conclusion of the complaint resolution process, the OCA will provide the complainant and the regulated entity with a closing letter with a summary of the complaint, any known remedial actions that were taken, and an assessment of whether the available documentation suggests the regulated entity may have committed any violations of commission rules. Critically, this is not a formal legal decision made by the commission. Historically, this process successfully resolves a significant majority of complaints. By contrast, any reference to a "formal" complaint or complaint process is a reference to a contested case proceeding in which an individual complainant submits a complaint against an entity under the commission's jurisdiction for formal adjudication. A formal complaint is docketed, usually referred to the State Office of Administrative Hearings (SOAH) for a hearing, and concludes with a binding legal determination in the form of a final order by the commission. At the conclusion of the formal complaint process, including any motions for rehearing, if either party is unsatisfied with the result, they can appeal the commission's decision in a court of proper jurisdiction.

Unlike the informal complaint process, which is designed to efficiently resolve complaints in a manner that does not require legal training, the formal complaint process is an adversarial legal proceeding with strict procedural and evidentiary rules, like a proceeding in civil court. An attorney from the commission's Legal Division participates as a party in each formal proceeding. However, this staff attorney represents the public interest throughout the proceeding, not the individual complainant or the entity against whom the complaint is brought. Accordingly, the complainant is required to either hire their own legal counsel or represent themselves throughout the proceeding.

In addition to the formal and informal complaint processes, the commission also has a Division of Compliance and Enforcement (DICE). DICE is staffed with enforcement attorneys and analysts and is primarily tasked with bringing entities that are under the commission's jurisdiction into compliance with applicable rules and statutes. DICE is also responsible for bringing enforcement actions against entities for violations of these rules and statutes. Like the formal complaint process, a DICE enforcement action is a contested case that is docketed, may be referred to SOAH for a hearing, and ends with a final order issued by the commission. However, DICE investigations differ from formal complaints in several meaningful ways. Unlike the formal complaint process, in which the commission can typically only grant the relief requested by the individual complainant, DICE has the discretion to seek a wide array of outcomes, such as license revocation, disgorgement, or administrative penalties. DICE may also identify additional violations or seek beneficial outcomes for an entire customer base. For example, an individual ratepayer may file a formal complaint to seek a refund for a particular billing error; a DICE investigation into that service provider might uncover dozens or hundreds of consumers that experienced that same error and that the billing documents themselves do not comply with commission rules. Further, DICE can monitor compliance over time and seek escalating penalties for recurring violations.

A DICE investigation is also different from a formal complaint, because the litigants are DICE and the regulated entity. Individual complainants do not participate in these proceedings as named parties. In nearly every instance, this leads to better outcomes for consumers than the formal complaint process, because DICE has more leverage over regulated entities and more experience with the commission's rules than an individual complainant. DICE is also able to exercise enforcement discretion in its investigations, avoiding protracted legal dis-

putes over frivolous claims, providing benefit to consumers and regulated entities. Further, because a DICE investigation is not an individual remedy sought by a single complainant like a formal complaint, a complainant is not prohibited from pursuing a separate action in a court of proper jurisdiction during the pendency of the DICE investigation.

Process Sequencing under Existing and Amended Rules

Existing Complaint Process

Under existing rules, a complainant is required to begin the complaint process by filing an informal complaint with the OCA. As described above, an investigator from the OCA attempts to resolve the complaint within 35 days from the date on which the complaint is received. At the conclusion of this informal process, the investigator will issue a closing letter that notifies the complainant that if the complaint was not resolved to their satisfaction, the complainant may file a formal complaint with the commission. In some instances, such as when the complaint involves accusations of anti-competitive practices, abandonment, or improper disconnection of service, the complainant is permitted to bypass the informal complaint process and proceed directly to the formal complaint stage. The existing process also permits a complainant to request a good cause exception and bypass the informal complaint process for other reasons. These provisions exist because some issues are poorly suited for informal resolution and are better determined by the commission or another court of proper jurisdiction.

Amended Complaint Process

Under the amended process, the informal complaint process will proceed as described above. At the conclusion of the informal complaint process, if a complainant is not satisfied with the outcome of the process, they are then free to pursue an action in a court of proper jurisdiction. Additionally, if the OCA identifies a possible violation during its investigation, it will refer the complaint to DICE for evaluation. As described above, DICE will investigate the regulated entity for compliance with applicable law and use reasonable enforcement discretion in determining whether to pursue a separate enforcement action against the regulated entity. Finally, the amended process also preserves the list of exceptions and the ability for a complainant to request a good cause exception to the informal resolution process for good cause. Under the amended process, this takes the form of a request to OCA to issue a closing letter and refer the matter to DICE. As with the existing process, this allows interested litigants to exhaust their administrative entities sooner and clears the way for DICE to bring a separate enforcement action against the entity, if it is deemed appropriate to do so.

Ongoing Formal and Informal Complaints

On the effective date of amended §22.242, complainants will no longer be able to file a formal complaint as a contested case at the commission upon the conclusion of the informal complaint process. This includes any pending informal complaints. However, any formal complaint properly filed up until the day before that section's effective date will be processed as a contested case under the existing rule and is eligible for adjudication at SOAH.

DICE Investigation Process

A number of commenters had questions related to how the commission's enforcement process will operate under the new rule. To provide more transparency on this subject, the commission provides the following discussion of DICE's current process.

Broadly speaking, DICE has discretion to investigate entities under the jurisdiction of the commission for compliance with applicable legal requirements. With regards to informal complaints, DICE currently has several processes in place for reviewing informal complaints for potential violations, including a periodic review of the complaint database. This periodic review identifies entities with multiple complaints for increased scrutiny to ensure prudent use of the commission's resources. DICE also targets complaints based on the severity of the alleged violation and complaints flagged by the OCA for further review. Under the new rule, the coordination of efforts between the two divisions will increase by establishing a more direct pipeline to DICE for complaints involving potential violations identified by the OCA and, if appropriate, an increased cadence of DICE's periodic review of the complaint database. However, in every instance, DICE will base its decision on whether to pursue enforcement on its own evaluation of the regulated entity's compliance with applicable law, which is not limited to the issues, evidence, or consumers involved in a referred complaint.

As stated above, a DICE enforcement action is a contested case that, with a few exceptions involving preventing imminent harm to the public, affords the regulated entity with notice and opportunity to request a hearing. As with formal complaints, these contested cases are public and conclude with formal commission action at an open meeting.

Several comments by regulated entities also expressed concerns regarding notice of a DICE investigation or the expenditure of resources associated with enforcement actions. Because DICE will continue to conduct a periodic review of every complaint, it is not practicable for DICE to provide notice in every instance in which it is reviewing an informal complaint. However, DICE will continue its general practice of contacting most regulated entities when it opens an actual investigation prior to taking formal enforcement action (in certain instances, DICE will forego informal communications and proceed immediately to taking formal action in front of the commission). These contacts typically include an opening letter, notifying the regulated entity that an investigation has been opened and providing the investigation number, and a finding of violation, which includes a description of suspected violations and any punitive measures, such as an administrative penalty, that DICE intends to recommend to the commission. DICE also requests any necessary documentation from the regulated entity it needs to continue its investigation. Historically, DICE is often able to secure the agreement of the regulated entity to come into compliance with commission rules and remediate any suspected violations without the need for a burdensome administrative hearing at SOAH. Even in situations in which DICE and the regulated entity reach a settlement agreement on the facts and appropriate remedy, however, the decision is not final until it is publicly filed and approved by the commission at an open meeting, ensuring transparency.

Other Proceedings

The commission has broad jurisdiction under PURA and TWC over a variety of matters involving utilities and other regulated entities. Amended §22.242's streamlined complaint process should not be read to foreclose parties from petitioning the commission for relief that other laws may afford. And, the rule should not be read to limit the commission's authority over (or interest in resolving) other types of disputes not addressed in the amended rule. For example, the adoption of this rule would not affect a person's right to dispute ERCOT conduct under §22.251, relating to Review of Electric Reliability Council

of Texas (ERCOT) Conduct. Nor would it preclude a retail public utility's ability to request cease and desist relief from the commission under TWC § 13.252. Accordingly, the commission modifies §22.242 to include a savings clause that clarifies that §22.242 does not alter the jurisdiction and processes established in other laws.

General Comments - Individual complaints

A number of comments were filed that contained complaints against specific regulated entities. These complaints addressed a variety of issues including rate increases, high base rates, subdivision fees, and system improvement charges. Commenters also described water quality issues, inaccurate or inconsistent meter reads, and concern over utility billing practices. As a result of these issues, commenters indicated that they were experiencing financial strain and, in some cases, poor health outcomes. The contents of these complaints are beyond the scope of this rulemaking proceeding. For complaints within the commission's jurisdiction, the commission recommends the commenters file a complaint with OCA under the provisions of adopted §22.272, which can be located on the commission's website or in the rule text contained in this order.

Some of the commenters described water quality issues over which the commission does not have primary jurisdiction. To file a water quality complaint that is not related to water rates or billing with the Texas Commission of Environmental Quality (TCEQ), a complainant may email TCEQ with further details at complaint@tceq.texas.gov or fill out a survey at https://www.surveymonkey.com/r/Environmental_Complaints.

General Comments - Formal complaints

As described above, one of the primary features of the proposed rules is the elimination of the formal complaint process. Several commenters expressed support or opposition to this procedural shift in general comments and with regards to specific rule sections associated with the formal complaint process. Because these comments all hinge on whether the commission retains its current formal complaint process, it addresses these comments together (e.g. if the commission eliminates the formal complaint process, provisions related to the docketing of formal complaints are unnecessary).

The Texas REP Coalition, TAWC, and SPS expressed support for the proposed elimination of the formal complaint process. TAWC argued that its members have often experienced lengthy and costly formal complaint proceedings that involve issues that have already been favorably evaluated by OCA. TAWC supported leaving discretion over whether a complaint merits additional treatment beyond the informal complaint stage with DICE. TAWC indicated that the proposed changes will "reduce the level of resources devoted to complaint proceedings by stakeholders and the commission while still affording each complaint the appropriate level of review based on its merits." The Texas REP Coalition argued the proposal represents a customer-friendly approach that offers an accessible and efficient process for competitive retail electric service dispute resolution. OCA, they argued, has robust experience with disputes between consumers and retail electric providers (REPs) and has more frequent engagement with the commission's customer protection rules than a SOAH administrative law judge.

In opposition to the proposed rule, OPUC and TNMP noted that the proposal exceeds what is contemplated by SB 790, which authorized streamlining of water and wastewater billing disputes between tenants and property owners. These commenters re-

quested the commission align its proposal with the scope of SB 790.

Several commenters, including Consumer Commenters, Sydney Holzman, Pam Hubbert on behalf of Tyler Croft, and Bianca Guerrero, TNMP, and OPUC argued that formal complaints are necessary to preserve the ability of a complainant to seek relief directly before the commission. Bianca Guerrero argued that the formal complaint process allows communities to present evidence on water quality and peer reviewed research to hold utilities responsible. OPUC argued that the formal complaint process is an important tool that provides consumers with a means of obtaining relief before the Commission. OPUC also argued that administrative feasibility and efficiency "should never occur at the sacrifice of the voice of the public citizen." Conversely, TNMP argued that it was important to leave discretion over whether to bring a formal complaint with the complainant (rather than DICE), because in many instances the complainant may elect not to pursue the formal complaint process. TNMP argues that this blurs the line between informal resolution and enforcement, potentially leading to duplicative reviews and subjecting regulated entities to enforcement review without a clearly articulated basis.

Consumer Commenters, OPUC, Sydney Holzman, Sierra Club, Pam Hubbert on behalf of Tyler Croft, Bianca Guerrero, and Stephen Shimeall argued that the formal complaint process, and specifically the docketing of formal complaints, was necessary for transparency. Pam Hubbert on behalf of Tyler Croft argued that docketed complaints established a public evidentiary record that could be used to prove repeat issues, and that internal agency processing may obscure recurring issues. The Sierra Club argued for public facing data and outcomes regarding complaints against utilities and the resolutions displayed on the commission's website. Sydney Holzman expressed concerns that the new process will allow utilities to bury complaints, and Bianca Guerrero argued that the new process will result in less effective oversight. OPUC argued that the potential docketing of a complaint encourages regulated entities to help efficiently resolve informal complaints.

Commission Response

The commission declines to modify the rule to retain the existing formal complaint process, as requested by commenters. The commission also declines to retain various individual provisions of the existing rules related to the formal complaint process, such as the docketing of formal complaints, as requested by commenters, because these provisions are unnecessary.

As described above, the formal complaint process has resulted in protracted and resource intensive contested cases, often involving claims requesting relief the commission is incapable of granting, minor disputes relative to the arduousness of the process, and delayed judicial or enforcement action. Under the adopted rules, the commission anticipates the enforcement-driven approach will achieve better, more efficient results for a greater number of consumers, especially those without the resources to obtain legal counsel to litigate a formal complaint. This brings the commission's complaint process in line with many of its peer agencies across the state that do not address complaints through contested cases.

The commission agrees with OPUC and TNMP that the proposed rule exceeds what is contemplated by SB 790. However, as noted by OPUC, the intent of SB 790 was to provide, for certain water and wastewater billing disputes, a "simple, in-

expensive, and expeditious complaint process rather than only the complex, expensive, and long contested case route." The commission endorses this policy goal for water and wastewater billing disputes and extends this same reasoning to other areas with its jurisdiction. Additionally, the commission is not under any statutory obligation to utilize contested cases to process complaints, so exceeding what was specifically contemplated by SB 790 is permissible.

The commission appreciates the concerns related to the ability of individual complainants to bring their own cases in front of the commission. However, the commission expects the amended process to produce significantly better results for consumers and to be significantly more user friendly. Under the current process, potential complainants often express frustration over having to bring their own formal case at the conclusion of an informal complaint in which OCA identifies a possible violation that the regulated entity does not agree to remedy. The time and resources required to litigate a formal complaint is a significant barrier to doing so. By increasing DICE's role in the review of potential rule violations identified during the complaint process, experienced enforcement attorneys can act, not only on behalf of the individual customer, but on behalf of all similarly situated customers. Under the current process, enforcement actions are sometimes delayed until after the outcome of an ongoing formal complaint. The adopted rules eliminate that delay. Further, the elimination of the formal complaint process enables an individual complainant who is interested in pursuing legal action in a court of proper jurisdiction to do so sooner.

Regarding TNMP's claim that the revised process may lead to enforcement actions in scenarios in which an individual complainant may have decided not to file a formal complaint, the commission agrees. However, this is a benefit of the new process. If a consumer does not file a formal complaint because the regulated entity decides to offer an individual refund or because they do not have the resources to pursue the complaint, it is still incumbent upon the commission to ensure that the regulated entity comes into compliance with the commission's rules. This is especially the case when an issue affects a large number of consumers, but the cost of litigation would exceed the possible benefit for any individual customer. However, as described above, DICE will exercise independent discretion over whether an enforcement action is appropriate, so increase in referrals to DICE will only result in more enforcement actions for entities that are not in compliance with commission rules.

The commission also agrees with commenters that value transparency and the benefit of a public record of compliance issues. As described above, an enforcement action - even one resolved via settlement agreement between DICE and the regulated entity - is not official until it is publicly docketed and acted on by the commission. Further, because a DICE investigation is likely to involve a more comprehensive audit of the compliance issue, the information in the record from an enforcement case will provide more details on the extent of the compliance issue without, in many cases, requiring the public filing of information related to individual complainants (e.g. rather than a single bill being offered as evidence, DICE may be able to show that hundreds of consumers experienced a billing error).

With regards to the Sierra Club's request for complaint data to be published on the commission's website, the commission declines to modify the rule to publicly post information related to complaints, because this data contains individual account information and other private customer data. However, the commis-

sion notes that aggregate complaint data is available on the commission's website, and information related to docketed enforcement actions is accessible on the filing interchange.

Comments Regarding Municipal Jurisdiction

TNMP and City/SUD Commenters each expressed concern over the proposed deletion of existing §22.242(e)(1), which required a complainant receiving electric, water, or sewer service within the limits of a city that has original jurisdiction over the applicable service type to present the complaint to the city prior to filing a formal complaint with the commission. These commenters argued that this obscured jurisdictional boundaries and may lead to consumers bypassing municipal complaint processes or result in a waste of commission resources on matters over which it has no jurisdiction. City/SUD Commenters explained that under existing processes, complaints outside of the commission's jurisdiction can be identified and dismissed early by the presiding officer. TNMP recommended that the rule clarify that certain complaints may be required to be submitted to municipalities retaining original jurisdiction, whereas City/SUD Commenters recommended that the rule requires OCA and DICE to perform jurisdictional checks before proceeding with their respective processes.

Commission Response

The commission declines to amend the rule as recommended by TNMP or City/SUD Commenters, because it is unnecessary. From a legal perspective, the commission cannot alter its jurisdiction by rule and the proposed rule already appropriately recognizes that complaints can only be filed against persons "under the jurisdiction of the commission" regarding statutes "the commission has jurisdiction to administer" or any commission order or rule (which only apply to matters and entities within the commission's jurisdiction). Accordingly, the proposed amendments do not alter the jurisdictional landscape regarding municipal jurisdiction.

The commission disagrees that the recommended revisions are required to prevent issues outside of the jurisdiction from consuming commission resources. Under the existing process, an individual complainant that may be unfamiliar with the commission's jurisdiction was able to initiate a contested case proceeding unilaterally, resulting in unnecessary delays and litigation expenses for the parties even in instances where dismissal was appropriate. Under the revised rule, OCA can informally work with complainants and, as necessary, refer them to municipal complaint processes. Further, DICE attorneys should only bring enforcement actions that are within the commission's jurisdiction. Should they overstep the commission's authority, the cases can be dismissed just as formal complaints are under the existing process.

General Comments - Judicial Review

OPUC stated that the final rule needs to clarify if individuals can file complaints in district court and provide the level of judicial review so complainants can provide enough evidence on front-end of complaint process. OPUC stated that the proposed rule does not adequately outline contingencies in complaint process.

Commission Response

The commission cannot, by rule, determine what legal remedies are available to a dissatisfied complainant in district court. Once a consumer exhausts their administrative remedies with the commission, it is up to the consumer and their legal counsel, if any, to determine if a civil action is appropriate, and what type. However, the commission clarifies that the closing letter

issued by OCA is not a formal action of the commission. It is documentation of the complaint resolution process and informal assessment of whether the entity complained against acted in accordance with commission rules.

However, to provide additional clarity for consumers, the commission modifies subsection (b) of the proposed rule to explicitly note that the closing of a complaint by OCA represents the exhaustion of remedies available under this section. The commission also modified the rule to explain that when the complainant exhausts its remedies at the commission, the complainant can seek any available remedies in a court of competent jurisdiction.

General Comments - REP complaint reporting

NEC requested that the commission reconsider how complaints against retail electric providers are reported by the commission in instances in which the OCA investigation determines that the provider fully complied with all applicable rules. NEC argued that reporting complaints that are ultimately found to be without merit can damage the reputation and goodwill a REP has worked to build. NEC offers an example of a complaint by an elderly customer that was unable to reach the intended recipient due to misdialing although they were provided a correct contact number by the REP.

Commission Response

The commission declines to modify how complaints are reported by the commission as requested by NEC. The commission agrees that there are instances in which complaints without substantive merit are filed, but this is a risk that is born equally by all REPs. As customer service entities, it is the prerogative of each REP to provide service and information to its customers in a manner that best serves those customers and minimizes the risk of such mistakes occurring. Furthermore, the number of complaints received, and the number of violations found measure different variables and provide different insights into the performance of the REP. Finally, the way the commission reports complaints is beyond the noticed scope of this rulemaking proceeding.

The commission significantly modifies the organization of the proposed rule for clarity and readability. The commission also makes minor phrasing adjustments throughout the rule to better align the language with the commission's processes, as described at the beginning of this order.

Proposed §25.485(c) - Complaint Handling

Existing §25.485(c) includes provisions that prohibit the ability of a REP to, as part of the terms of service, require residential or small commercial customers to engage in alternative dispute resolution.

The Texas REP Coalition recommended redlines to this provision that would only prohibit REPs from requiring alternative dispute resolution as a prerequisite or alternative to filing a complaint with the commission. The Texas REP Coalition also recommended that the commission clarify that voluntary arbitration agreements, which exclusively apply to circumstances that would involve transitional litigation in district court, can be included in a REP's terms of service. The Texas REP Coalition argued that these revisions would ensure that commission rules were consistent with Section 2 of the Federal Arbitration Act and related court decisions and eliminate the risk of federal preemption.

Commission Response

The commission declines to modify the rule's prohibitions against requiring residential and small commercial customers to agree to alternative dispute resolution as part of a terms of service document. These rule provisions were initially adopted as important customer protections that were not noticed for amendment in this project. Even if, as the Texas REP Coalition contends, the rule is inconsistent with federal law, the possible amendments to address the inconsistency require public scrutiny prior to adoption.

Proposed §25.485(d) - Complaints to REPs or aggregators.

Proposed §25.485(d) allows a consumer or applicant for service to submit a complaint to a REP or aggregator.

The Texas REP Coalition recommended that the commission require a customer to submit a complaint to the REP before it can submit the complaint to the commission unless the complaint is in relation to a disconnection of service, allowing REPs to manage complaints internally before they are escalated to the commission.

The Texas REP Coalition also recommends removing "facsimile transmission" as a submission method.

Commission Response

The commission agrees with the Texas REP Coalition that consumers should begin by directly contacting their service provider, regardless of service type, and recommends customers do so on the consumer assistance page on its website. However, the commission will not require consumers to participate in a REP's complaint process prior to being allowed to file a complaint with the commission. Currently, consumers have the right to file a complaint directly with the commission and removing this right was not proposed for public comment as part of this rulemaking proceeding. Furthermore, such a requirement would be difficult to administer, because it would require the commission to verify participation with external processes over which it has very little oversight, leading to potential disagreements over whether a consumer had satisfied this burden. Moreover, the consumers most in need of commission assistance (i.e. those being served by the least accessible REPs or potentially willful bad actors) would likely be subject to the least helpful REP complaint processes.

As a consumer-facing entity, it is the responsibility of each REP to cultivate a relationship with its customers such that said customers have confidence in and desire to engage with their REP's complaint process. Insofar as the Texas REP Coalition is correct, and a REP can quickly resolve a complaint, it will have the opportunity to do so when contacted by the OCA.

However, the commission agrees with the Texas REP Coalition that facsimile transmission is an antiquated method of complaint submission and modifies the rule accordingly.

Proposed §25.485(e)(1)(A)(i)

Proposed §25.485(e)(A)(i) dictates the requirements of a complaint submitted against a REP.

The Texas REP Coalition recommended that the commission require a complaint to include confirmation that the customer completed the REP's complaint resolution process consistent with the REPs proposed requirement for §25.485(d).

Commission Response

The commission declines to add language consistent with the Texas REP Coalition's proposed changes to subsection (d), because the commission did not adopt those proposed changes.

Proposed §25.485(e)(1)(B)(ii) - Prohibited activities during pendency of complaint

Existing §25.485(e)(1)(B)(ii) requires a customer to pay any undisputed portion of the bill and permits a REP to pursue disconnection of service for nonpayment of the undisputed portion after appropriate notice.

OPUC requested that the commission modify this provision to clarify that in the event of a disagreement between the REP and the customer over which portions of a bill are disputed, the interpretation of the customer prevails until the ultimate resolution of the complaint. OPUC also requested the rule specify that any past representation from a complainant that a portion of the bill is not disputed cannot be used to "defeat the complainant's later assertion that the portion is disputed."

Commission Response

The commission declines to modify the rule as requested by OPUC, because it would result in unpredictable compliance requirements for REPs without a corresponding increase in customer protections. Which portions of a bill are disputed is determined by the content of a submitted complaint and any other relevant facts and circumstances. OPUC's recommended language would result in a situation where a REP may, based on the content of the complaint, reasonably conclude that a portion of a bill is undisputed and initiate a collection activity, disconnection, or other activity authorized with respect to undisputed portions of a bill, only to later discover that the customer believed that portion to be disputed. This situation is made even less predictable if, as OPUC recommends, even a statement from the customer indicating that a portion of the bill is not disputed cannot be used to defeat a later assertion that the bill is disputed. The combined effect of these two provisions would not only subject the REP to enforcement for misinterpreting a moving target, it would also actively incentivize gamesmanship by customers. The current rules permit a customer to dispute all or any part of a bill at their discretion. This flexibility provides customers with an appropriate level of customer protection without exposing REPs to unreasonable compliance risks.

Statutory Authority

The amendment is adopted under Public Utility Regulatory Act (PURA) §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction; §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction.

Cross Reference to Statute: Public Utility Regulatory Act §14.001 and §14.002.

§25.485. *Customer Access and Complaint Handling.*

(a) **Applicability.** This section contains a customer's entitlement to reasonable access to a retail electric provider's (REP) or aggregator's representatives and identifies a customer's ability make a complaint against a REP or aggregator. REPs and aggregators are subject to processes of this section to ensure that retail electric customers have the opportunity for impartial and prompt resolution of disputes with REPs or aggregators.

(b) **Customer access.**

(1) A retail electric provider (REP) or aggregator must ensure that customers have reasonable access to its service representatives

to make inquiries and complaints, discuss charges on customer's bills, terminate competitive service, and transact any other pertinent business.

(2) Telephone access must be toll-free and must afford customers a prompt answer during normal business hours.

(3) A REP must provide a 24-hour automated telephone message instructing the caller how to report any service interruptions or electrical emergencies.

(4) A REP or aggregator must employ 24-hour capability for accepting a customer's rescission of the terms of service by telephone, under rights of cancellation in §25.474(j) of this title (relating to Selection of Retail Electric Provider).

(c) **Complaint handling.** A residential or small commercial customer has the right to make a complaint to the commission, and a terms of service agreement cannot impair this right. A REP or aggregator must not require a residential or small commercial customer as part of the terms of service to engage in alternative dispute resolution, including requiring complaints to be submitted to arbitration or mediation by third parties. A customer other than a residential or small commercial customer may agree as part of the terms of service to engage in alternative dispute resolution, including requiring complaints to be submitted to arbitration or mediation by third parties. However, nothing in this subsection is intended to prevent a customer other than a residential or small commercial customer from filing complaint with the commission if dissatisfied with the results of the alternative dispute resolution.

(d) **Complaints to REPs or aggregators.** A customer or applicant for service may submit a complaint in person, or by letter, e-mail, or by telephone to a REP or aggregator. The REP or aggregator must promptly investigate and advise the complainant of the results within 21 days. A customer who is dissatisfied with the REP's or aggregator's review must be informed of the right to file a complaint with the REP's or aggregator's supervisory review process, if available, and, if not available, with the commission and the Office of Attorney General, Consumer Protection Division. Any supervisory review conducted by the REP or aggregator must result in a decision communicated to the complainant within ten business days of the request. If the REP or aggregator does not respond to the customer's complaint in writing, the REP or aggregator must orally inform the customer of the ability to obtain the REP's or aggregator's response in writing upon request.

(e) **Complaints to the commission.**

(1) **Complaints.** If a complainant is dissatisfied with the results of a REP's or aggregator's complaint investigation or supervisory review, the REP or aggregator must advise the complainant of the commission's complaint resolution process and the following contact information for the commission: Public Utility Commission of Texas, Office of Consumer Assistance, P.O. Box 13326, Austin, Texas 78711-3326; (512) 936-7120 or in Texas (toll-free) 1-888-782-8477, fax (512) 936-7003, e-mail address: customer@puc.texas.gov, Internet website address: www.puc.texas.gov, and Relay Texas (toll-free) 1-800-735-2989.

(A) **Requirements applicable to complaints.**

(i) A complaint must include sufficient information to identify the complainant and the company for which the complaint is made and describe the issue specifically. The following information must be included in the complaint:

(I) The account holder's name, billing and service addresses, and telephone number;

(II) The name of the REP or aggregator;

(III) The customer account number or electric service identifier (ESI-ID);

(IV) An explanation of the facts relevant to the complaint;

(V) The complainant's requested resolution; and

(VI) Any documentation that supports the complaint, including copies of bills or terms of service documents.

(ii) All REPs and aggregators must provide the commission an email address to receive notification of customer complaints from the commission.

(iii) The REP or aggregator must investigate all complaints and advise the commission in writing of the results of the investigation within 15 days after the complaint is forwarded to the REP or aggregator.

(iv) The commission must review the complaint information and the REP or aggregator's response and notify the complainant of the results of the commission's investigation.

(B) Prohibited activities during pendency of complaint. While an informal complaint process is pending:

(i) The REP or aggregator must not initiate collection activities, including disconnection of service or report the customer's delinquency to a credit reporting agency with respect to the disputed portion of the bill.

(ii) A customer must pay any undisputed portion of the bill and the REP may pursue disconnection of service for nonpayment of the undisputed portion after appropriate notice.

(C) Complaint record retention. The REP or aggregator must keep a record for two years after closure by the commission of all informal complaints forwarded to it by the commission. This record must show the name and address of the complainant, the date, nature and adjustment or disposition of the complaint. Protests regarding commission-approved rates or rates and charges that are not regulated by the commission, but which are disclosed to the customer in the terms of service disclosures, need not be recorded.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 1, 2026.

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Public Utility Commission of Texas

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For further information, please call: (512) 936-7044



CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS

SUBCHAPTER B. CUSTOMER SERVICE AND PROTECTION

16 TAC §26.30

The Public Utility Commission of Texas (commission) adopts amendments §26.30 relating to Complaints with changes to the proposed text as published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2863). The rule will be republished.

The adopted rule will streamline the commission's complaints process for all utilities under the commission's jurisdiction and bring the commission's complaint process in line with the processes of other agencies across the state.

Public Comments

Comments were received by Vikki Payne; Kim Graff; NEC Co-Op Energy; John Deare; Tessa Comstock; Jessica Moreno; Gloria Hanes; Hunter Hanes; Jared Wynne; Stephen Shimeall; Tammy Chambers; Texas Association of Water Companies, Inc (TAWC); Texas-New Mexico Power Company (TNMP); Texas REP Coalition; Office of Public Utility Counsel (OPUC); Southwestern Public Service Company (SPS); City of Royse City, City of Sanger, City of Terrell, County Line Special Utility District, and Springs Hill Special Utility District (City/SUD Commenters); Connie Glass; Richard McCaffrey; Melissa Stanley; and Leslie Rodas.

The commission also received substantially identical comments from Alyxandra Dykema, Anita Kay Long, Desiree Frantz, Daniel Bookner, Elise K Long, Heather Screws, Jared Wynne, Johnathan Stewart, Johnathan Monjaras, James Kelly, Mary Lou Marroquin; Karen Ladd, Susan Bacon, Troy Henry, Wendy Abramson (collectively, Consumer Commenters).

On July 25, 2026, the commission held a public hearing in response to hearing requests filed by the Consumer Commenters. At this hearing, commission staff received comments from Sierra Club, Bianca Guerrero, Sydney Holzman, Pam Hubbert on behalf of Tyler Croft, Pam Hubbert (herself), Jim Smith, Kim Bond, OPUC, and CenterPoint.

Clarification of Commission Divisions and Processes

The commission notes that at the time of publication and public comment, the commission's Office of Consumer Assistance (OCA) was called the Consumer Protection Division. For clarity, the commission has modified the proposed rules to properly refer to the OCA and uses the division's current name uniformly throughout this order.

The commission also clarifies that any reference to an "informal" complaint or complaint process is a reference to the process whereby the OCA investigates an individual's complaint against an entity under the commission's jurisdiction to evaluate whether a possible violation of commission rule has taken place and assists the parties in coming to an informal resolution. For example, if a consumer and a service provider disagree as to whether a charge was properly applied to the consumer's bill, an investigator from the OCA will review the commission's substantive rules and any available documentation, communicate with both parties, and attempt to reach an agreement between the complainant and the regulated entity as to whether the charge was appropriate and whether any additional action, such as a refund, is required by commission rule.

At the conclusion of the complaint resolution process, the OCA will provide the complainant and the regulated entity with a closing letter with a summary of the complaint, any known remedial actions that were taken, and an assessment of whether the available documentation suggests the regulated entity may have committed any violations of commission rules. Critically, this is not a formal legal decision made by the commission. Histori-

cally, this process successfully resolves a significant majority of complaints. By contrast, any reference to a "formal" complaint or complaint process is a reference to a contested case proceeding in which an individual complainant submits a complaint against an entity under the commission's jurisdiction for formal adjudication. A formal complaint is docketed, usually referred to the State Office of Administrative Hearings (SOAH) for a hearing, and concludes with a binding legal determination in the form of a final order by the commission. At the conclusion of the formal complaint process, including any motions for rehearing, if either party is unsatisfied with the result, they can appeal the commission's decision in a court of proper jurisdiction.

Unlike the informal complaint process, which is designed to efficiently resolve complaints in a manner that does not require legal training, the formal complaint process is an adversarial legal proceeding with strict procedural and evidentiary rules, like a proceeding in civil court. An attorney from the commission's Legal Division participates as a party in each formal proceeding. However, this staff attorney represents the public interest throughout the proceeding, not the individual complainant or the entity against whom the complaint is brought. Accordingly, the complainant is required to either hire their own legal counsel or represent themselves throughout the proceeding.

In addition to the formal and informal complaint processes, the commission also has a Division of Compliance and Enforcement (DICE). DICE is staffed with enforcement attorneys and analysts and is primarily tasked with bringing entities that are under the commission's jurisdiction into compliance with applicable rules and statutes. DICE is also responsible for bringing enforcement actions against entities for violations of these rules and statutes. Like the formal complaint process, a DICE enforcement action is a contested case that is docketed, may be referred to SOAH for a hearing, and ends with a final order issued by the commission. However, DICE investigations differ from formal complaints in several meaningful ways. Unlike the formal complaint process, in which the commission can typically only grant the relief requested by the individual complainant, DICE has the discretion to seek a wide array of outcomes, such as license revocation, disgorgement, or administrative penalties. DICE may also identify additional violations or seek beneficial outcomes for an entire customer base. For example, an individual ratepayer may file a formal complaint to seek a refund for a particular billing error; a DICE investigation into that service provider might uncover dozens or hundreds of consumers that experienced that same error and that the billing documents themselves do not comply with commission rules. Further, DICE can monitor compliance over time and seek escalating penalties for recurring violations.

A DICE investigation is also different from a formal complaint, because the litigants are DICE and the regulated entity. Individual complainants do not participate in these proceedings as named parties. In nearly every instance, this leads to better outcomes for consumers than the formal complaint process, because DICE has more leverage over regulated entities and more experience with the commission's rules than an individual complainant. DICE is also able to exercise enforcement discretion in its investigations, avoiding protracted legal disputes over frivolous claims, providing benefit to consumers and regulated entities. Further, because a DICE investigation is not an individual remedy sought by a single complainant like a formal complaint, a complainant is not prohibited from pursuing a separate action in a court of proper jurisdiction during the pendency of the DICE investigation.

Process Sequencing under Existing and Amended Rules

Existing Complaint Process

Under existing rules, a complainant is required to begin the complaint process by filing an informal complaint with the OCA. As described above, an investigator from the OCA attempts to resolve the complaint within 35 days from the date on which the complaint is received. At the conclusion of this informal process, the investigator will issue a closing letter that notifies the complainant that if the complaint was not resolved to their satisfaction, the complainant may file a formal complaint with the commission. In some instances, such as when the complaint involves accusations of anti-competitive practices, abandonment, or improper disconnection of service, the complainant is permitted to bypass the informal complaint process and proceed directly to the formal complaint stage. The existing process also permits a complainant to request a good cause exception and bypass the informal complaint process for other reasons. These provisions exist because some issues are poorly suited for informal resolution and are better determined by the commission or another court of proper jurisdiction.

Amended Complaint Process

Under the amended process, the informal complaint process will proceed as described above. At the conclusion of the informal complaint process, if a complainant is not satisfied with the outcome of the process, they are then free to pursue an action in a court of proper jurisdiction. Additionally, if the OCA identifies a possible violation during its investigation, it will refer the complaint to DICE for evaluation. As described above, DICE will investigate the regulated entity for compliance with applicable law and use reasonable enforcement discretion in determining whether to pursue a separate enforcement action against the regulated entity. Finally, the amended process also preserves the list of exceptions and the ability for a complainant to request a good cause exception to the informal resolution process for good cause. Under the amended process, this takes the form of a request to OCA to issue a closing letter and refer the matter to DICE. As with the existing process, this allows interested litigants to exhaust their administrative entities sooner and clears the way for DICE to bring a separate enforcement action against the entity, if it is deemed appropriate to do so.

Ongoing Formal and Informal Complaints

On the effective date of amended §22.242, complainants will no longer be able to file a formal complaint as a contested case at the commission upon the conclusion of the informal complaint process. This includes any pending informal complaints. However, any formal complaint properly filed up until the day before that section's effective date will be processed as a contested case under the existing rule and is eligible for adjudication at SOAH.

DICE Investigation Process

A number of commenters had questions related to how the commission's enforcement process will operate under the new rule. To provide more transparency on this subject, the commission provides the following discussion of DICE's current process.

Broadly speaking, DICE has discretion to investigate entities under the jurisdiction of the commission for compliance with applicable legal requirements. With regards to informal complaints, DICE currently has several processes in place for reviewing informal complaints for potential violations, including a periodic review of the complaint database. This periodic review identifies

entities with multiple complaints for increased scrutiny to ensure prudent use of the commission's resources. DICE also targets complaints based on the severity of the alleged violation and complaints flagged by the OCA for further review. Under the new rule, the coordination of efforts between the two divisions will increase by establishing a more direct pipeline to DICE for complaints involving potential violations identified by the OCA and, if appropriate, an increased cadence of DICE's periodic review of the complaint database. However, in every instance, DICE will base its decision on whether to pursue enforcement on its own evaluation of the regulated entity's compliance with applicable law, which is not limited to the issues, evidence, or consumers involved in a referred complaint.

As stated above, a DICE enforcement action is a contested case that, with a few exceptions involving preventing imminent harm to the public, affords the regulated entity with notice and opportunity to request a hearing. As with formal complaints, these contested cases are public and conclude with formal commission action at an open meeting.

Several comments by regulated entities also expressed concerns regarding notice of a DICE investigation or the expenditure of resources associated with enforcement actions. Because DICE will continue to conduct a periodic review of every complaint, it is not practicable for DICE to provide notice in every instance in which it is reviewing an informal complaint. However, DICE will continue its general practice of contacting most regulated entities when it opens an actual investigation prior to taking formal enforcement action (in certain instances, DICE will forego informal communications and proceed immediately to taking formal action in front of the commission). These contacts typically include an opening letter, notifying the regulated entity that an investigation has been opened and providing the investigation number, and a finding of violation, which includes a description of suspected violations and any punitive measures, such as an administrative penalty, that DICE intends to recommend to the commission. DICE also requests any necessary documentation from the regulated entity it needs to continue its investigation. Historically, DICE is often able to secure the agreement of the regulated entity to come into compliance with commission rules and remediate any suspected violations without the need for a burdensome administrative hearing at SOAH. Even in situations in which DICE and the regulated entity reach a settlement agreement on the facts and appropriate remedy, however, the decision is not final until it is publicly filed and approved by the commission at an open meeting, ensuring transparency.

Other Proceedings

The commission has broad jurisdiction under PURA and TWC over a variety of matters involving utilities and other regulated entities. Amended §22.242's streamlined complaint process should not be read to foreclose parties from petitioning the commission for relief that other laws may afford. And, the rule should not be read to limit the commission's authority over (or interest in resolving) other types of disputes not addressed in the amended rule. For example, the adoption of this rule would not affect a person's right to dispute ERCOT conduct under §22.251, relating to Review of Electric Reliability Council of Texas (ERCOT) Conduct. Nor would it preclude a retail public utility's ability to request cease and desist relief from the commission under TWC § 13.252. Accordingly, the commission modifies §22.242 to include a savings clause that clarifies that §22.242 does not alter the jurisdiction and processes established in other laws

General Comments - Individual complaints

A number of comments were filed that contained complaints against specific regulated entities. These complaints addressed a variety of issues including rate increases, high base rates, subdivision fees, and system improvement charges. Commenters also described water quality issues, inaccurate or inconsistent meter reads, and concern over utility billing practices. As a result of these issues, commenters indicated that they were experiencing financial strain and, in some cases, poor health outcomes. The contents of these complaints are beyond the scope of this rulemaking proceeding. For complaints within the commission's jurisdiction, the commission recommends the commenters file a complaint with OCA under the provisions of adopted §22.272, which can be located on the commission's website or in the rule text contained in this order.

Some of the commenters described water quality issues over which the commission does not have primary jurisdiction. To file a water quality complaint that is not related to water rates or billing with the Texas Commission of Environmental Quality (TCEQ), a complainant may email TCEQ with further details at complaint@tceq.texas.gov or fill out a survey at https://www.surveymonkey.com/r/Environmental_Complaints.

General Comments - Formal complaints

As described above, one of the primary features of the proposed rules is the elimination of the formal complaint process. Several commenters expressed support or opposition to this procedural shift in general comments and with regards to specific rule sections associated with the formal complaint process. Because these comments all hinge on whether the commission retains its current formal complaint process, it addresses these comments together (e.g. if the commission eliminates the formal complaint process, provisions related to the docketing of formal complaints are unnecessary).

The Texas REP Coalition, TAWC, and SPS expressed support for the proposed elimination of the formal complaint process. TAWC argued that its members have often experienced lengthy and costly formal complaint proceedings that involve issues that have already been favorably evaluated by OCA. TAWC supported leaving discretion over whether a complaint merits additional treatment beyond the informal complaint stage with DICE. TAWC indicated that the proposed changes will "reduce the level of resources devoted to complaint proceedings by stakeholders and the commission while still affording each complaint the appropriate level of review based on its merits." The Texas REP Coalition argued the proposal represents a customer-friendly approach that offers an accessible and efficient process for competitive retail electric service dispute resolution. OCA, they argued, has robust experience with disputes between consumers and retail electric providers (REPs) and has more frequent engagement with the commission's customer protection rules than a SOAH administrative law judge.

In opposition to the proposed rule, OPUC and TNMP noted that the proposal exceeds what is contemplated by SB 790, which authorized streamlining of water and wastewater billing disputes between tenants and property owners. These commenters requested the commission align its proposal with the scope of SB 790.

Several commenters, including Consumer Commenters, Sydney Holzman, Pam Hubbert on behalf of Tyler Croft, and Bianca Guerrero, TNMP, and OPUC argued that formal complaints are necessary to preserve the ability of a complainant to seek relief

directly before the commission. Bianca Guerrero argued that the formal complaint process allows communities to present evidence on water quality and peer reviewed research to hold utilities responsible. OPUC argued that the formal complaint process is an important tool that provides consumers with a means of obtaining relief before the Commission. OPUC also argued that administrative feasibility and efficiency "should never occur at the sacrifice of the voice of the public citizen." Conversely, TNMP argued that it was important to leave discretion over whether to bring a formal complaint with the complainant (rather than DICE), because in many instances the complainant may elect not to pursue the formal complaint process. TNMP argues that this blurs the line between informal resolution and enforcement, potentially leading to duplicative reviews and subjecting regulated entities to enforcement review without a clearly articulated basis.

Consumer Commenters, OPUC, Sydney Holzman, Sierra Club, Pam Hubbert on behalf of Tyler Croft, Bianca Guerrero, and Stephen Shimeall argued that the formal complaint process, and specifically the docketing of formal complaints, was necessary for transparency. Pam Hubbert on behalf of Tyler Croft argued that docketed complaints established a public evidentiary record that could be used to prove repeat issues, and that internal agency processing may obscure recurring issues. The Sierra Club argued for public facing data and outcomes regarding complaints against utilities and the resolutions displayed on the commission's website. Sydney Holzman expressed concerns that the new process will allow utilities to bury complaints, and Bianca Guerrero argued that the new process will result in less effective oversight. OPUC argued that the potential docketing of a complaint encourages regulated entities to help efficiently resolve informal complaints.

Commission Response

The commission declines to modify the rule to retain the existing formal complaint process, as requested by commenters. The commission also declines to retain various individual provisions of the existing rules related to the formal complaint process, such as the docketing of formal complaints, as requested by commenters, because these provisions are unnecessary.

As described above, the formal complaint process has resulted in protracted and resource intensive contested cases, often involving claims requesting relief the commission is incapable of granting, minor disputes relative to the arduousness of the process, and delayed judicial or enforcement action. Under the adopted rules, the commission anticipates the enforcement-driven approach will achieve better, more efficient results for a greater number of consumers, especially those without the resources to obtain legal counsel to litigate a formal complaint. This brings the commission's complaint process in line with many of its peer agencies across the state that do not address complaints through contested cases.

The commission agrees with OPUC and TNMP that the proposed rule exceeds what is contemplated by SB 790. However, as noted by OPUC, the intent of SB 790 was to provide, for certain water and wastewater billing disputes, a "simple, inexpensive, and expeditious complaint process rather than only the complex, expensive, and long contested case route." The commission endorses this policy goal for water and wastewater billing disputes and extends this same reasoning to other areas with its jurisdiction. Additionally, the commission is not under any statutory obligation to utilize contested cases to process com-

plaints, so exceeding what was specifically contemplated by SB 790 is permissible.

The commission appreciates the concerns related to the ability of individual complainants to bring their own cases in front of the commission. However, the commission expects the amended process to produce significantly better results for consumers and to be significantly more user friendly. Under the current process, potential complainants often express frustration over having to bring their own formal case at the conclusion of an informal complaint in which OCA identifies a possible violation that the regulated entity does not agree to remedy. The time and resources required to litigate a formal complaint is a significant barrier to doing so. By increasing DICE's role in the review of potential rule violations identified during the complaint process, experienced enforcement attorneys can act, not only on behalf of the individual customer, but on behalf of all similarly situated customers. Under the current process, enforcement actions are sometimes delayed until after the outcome of an ongoing formal complaint. The adopted rules eliminate that delay. Further, the elimination of the formal complaint process enables an individual complainant who is interested in pursuing legal action in a court of proper jurisdiction to do so sooner.

Regarding TNMP's claim that the revised process may lead to enforcement actions in scenarios in which an individual complainant may have decided not to file a formal complaint, the commission agrees. However, this is a benefit of the new process. If a consumer does not file a formal complaint because the regulated entity decides to offer an individual refund or because they do not have the resources to pursue the complaint, it is still incumbent upon the commission to ensure that the regulated entity comes into compliance with the commission's rules. This is especially the case when an issue affects a large number of consumers, but the cost of litigation would exceed the possible benefit for any individual customer. However, as described above, DICE will exercise independent discretion over whether an enforcement action is appropriate, so increase in referrals to DICE will only result in more enforcement actions for entities that are not in compliance with commission rules.

The commission also agrees with commenters that value transparency and the benefit of a public record of compliance issues. As described above, an enforcement action - even one resolved via settlement agreement between DICE and the regulated entity - is not official until it is publicly docketed and acted on by the commission. Further, because a DICE investigation is likely to involve a more comprehensive audit of the compliance issue, the information in the record from an enforcement case will provide more details on the extent of the compliance issue without, in many cases, requiring the public filing of information related to individual complainants (e.g. rather than a single bill being offered as evidence, DICE may be able to show that hundreds of consumers experienced a billing error).

With regards to the Sierra Club's request for complaint data to be published on the commission's website, the commission declines to modify the rule to publicly post information related to complaints, because this data contains individual account information and other private customer data. However, the commission notes that aggregate complaint data is available on the commission's website, and information related to docketed enforcement actions is accessible on the filing interchange.

Comments Regarding Municipal Jurisdiction

TNMP and City/SUD Commenters each expressed concern over the proposed deletion of existing §22.242(e)(1), which required a complainant receiving electric, water, or sewer service within the limits of a city that has original jurisdiction over the applicable service type to present the complaint to the city prior to filing a formal complaint with the commission. These commenters argued that this obscured jurisdictional boundaries and may lead to consumers bypassing municipal complaint processes or result in a waste of commission resources on matters over which it has no jurisdiction. City/SUD Commenters explained that under existing processes, complaints outside of the commission's jurisdiction can be identified and dismissed early by the presiding officer. TNMP recommended that the rule clarify that certain complaints may be required to be submitted to municipalities retaining original jurisdiction, whereas City/SUD Commenters recommended that the rule requires OCA and DICE to perform jurisdictional checks before proceeding with their respective processes.

Commission Response

The commission declines to amend the rule as recommended by TNMP or City/SUD Commenters, because it is unnecessary. From a legal perspective, the commission cannot alter its jurisdiction by rule and the proposed rule already appropriately recognizes that complaints can only be filed against persons "under the jurisdiction of the commission" regarding statutes "the commission has jurisdiction to administer" or any commission order or rule (which only apply to matters and entities within the commission's jurisdiction). Accordingly, the proposed amendments do not alter the jurisdictional landscape regarding municipal jurisdiction.

The commission disagrees that the recommended revisions are required to prevent issues outside of the jurisdiction from consuming commission resources. Under the existing process, an individual complainant that may be unfamiliar with the commission's jurisdiction was able to initiate a contested case proceeding unilaterally, resulting in unnecessary delays and litigation expenses for the parties even in instances where dismissal was appropriate. Under the revised rule, OCA can informally work with complainants and, as necessary, refer them to municipal complaint processes. Further, DICE attorneys should only bring enforcement actions that are within the commission's jurisdiction. Should they overstep the commission's authority, the cases can be dismissed just as formal complaints are under the existing process.

General Comments - Judicial Review

OPUC stated that the final rule needs to clarify if individuals can file complaints in district court and provide the level of judicial review so complainants can provide enough evidence on front-end of complaint process. OPUC stated that the proposed rule does not adequately outline contingencies in complaint process.

Commission Response

The commission cannot, by rule, determine what legal remedies are available to a dissatisfied complainant in district court. Once a consumer exhausts their administrative remedies with the commission, it is up to the consumer and their legal counsel, if any, to determine if a civil action is appropriate, and what type. However, the commission clarifies that the closing letter issued by OCA is not a formal action of the commission. It is documentation of the complaint resolution process and informal assessment of whether the entity complained against acted in accordance with commission rules.

However, to provide additional clarity for consumers, the commission modifies subsection (b) of the proposed rule to explicitly note that the closing of a complaint by OCA represents the exhaustion of remedies available under this section. The commission also modified the rule to explain that when the complainant exhausts its remedies at the commission, the complainant can seek any available remedies in a court of competent jurisdiction.

General Comments - REP complaint reporting

NEC requested that the commission reconsider how complaints against retail electric providers are reported by the commission in instances in which the OCA investigation determines that the provider fully complied with all applicable rules. NEC argued that reporting complaints that are ultimately found to be without merit can damage the reputation and goodwill a REP has worked to build. NEC offers an example of a complaint by an elderly customer that was unable to reach the intended recipient due to misdialing although they were provided a correct contact number by the REP.

Commission Response

The commission declines to modify how complaints are reported by the commission as requested by NEC. The commission agrees that there are instances in which complaints without substantive merit are filed, but this is a risk that is born equally by all REPs. As customer service entities, it is the prerogative of each REP to provide service and information to its customers in a manner that best serves those customers and minimizes the risk of such mistakes occurring. Furthermore, the number of complaints received, and the number of violations found measure different variables and provide different insights into the performance of the REP. Finally, the way the commission reports complaints is beyond the noticed scope of this rulemaking proceeding.

Statutory Authority

The amendment is adopted under Public Utility Regulatory Act (PURA) §14.001, which grants the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by this title that is necessary and convenient to the exercise of that power and jurisdiction; §14.002, which authorizes the commission to adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction.

Cross Reference to Statute: Public Utility Regulatory Act §14.001 and §14.002.

§26.30. Complaints.

(a) Complaints to a certificated telecommunications utility (CTU). A customer or applicant for a service may submit a complaint to a CTU either in person, by letter, telephone, or by any other means determined by the CTU. For purposes of this section, a complainant is a customer or applicant for a service that has submitted a complaint to a CTU or to the commission.

(1) Initial investigation. The CTU must investigate the complaint and advise the complainant of the results of the investigation within 21 days of receipt of the complaint. A CTU must inform customers of the right to receive these results in writing.

(2) Supervisory review by the CTU. If a complainant is not satisfied with the initial response to the complaint, the complainant may request a supervisory review by the CTU.

(A) A CTU supervisor must conduct the supervisory review and inform the complainant of the results of the review within ten

days of receipt of the complainant's request for a review. A CTU must inform customers of the right to receive these results in writing.

(B) A complainant who is dissatisfied with a CTU's supervisory review must be informed of:

- (i) the right to file a complaint with the commission;
- (ii) the commission's complaint resolution process;
- (iii) the following contact information for the commission:

(I) Mailing Address: PUCT, Office of Consumer Assistance, P.O. Box 13326, Austin, Texas 78711-3326;

(II) Phone Number: (512) 936-7120 or in Texas (toll-free) 1-888-782-8477;

(III) FAX: (512) 936-7003;

(IV) E-mail address: consumer@puc.texas.gov;

(V) Internet address: <http://www.puc.texas.gov>;

(VI) Relay Texas (toll-free): 1-800-735-2989.

(b) Complaints to the commission. The commission may only review a complaint of a retail or wholesale customer against a deregulated company or exempt carrier that is within the scope of the commission's authority provided in Public Utility Regulatory Act (PURA) §65.102.

(1) Complaints.

(A) The complaint to the commission should include:

- (i) The complainant's name, address, and telephone number.
- (ii) The name of the CTU or subsidiary company against which the complaint is being made.
- (iii) The customer's account or phone number.
- (iv) An explanation of the facts relevant to the complaint.
- (v) Any other information or documentation which supports the complaint.

(B) Upon receipt of a complaint from the commission, a CTU must investigate and advise the commission in writing of the results of its investigation within 15 days of the date the complaint was forwarded by the commission.

(C) The commission will:

- (i) review the CTU's investigative results;
- (ii) determine a resolution for the complaint; and
- (iii) notify the complainant and the CTU in writing of the resolution.

(D) While any complaint process is ongoing at the commission:

- (i) basic local telecommunications service must not be suspended or disconnected for the nonpayment of disputed charges; and
- (ii) a customer is obligated to pay any undisputed portion of the bill.

(E) The CTU must keep a record of any complaint forwarded to it by the commission for two years after the determination of that complaint.

(i) This record must show the name and address of the complainant, and the date, nature, and adjustment or disposition of the complaint.

(ii) A CTU is not required to keep records of protests regarding commission-approved rates or charges that require no further action by the CTU.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 1, 2026.

TRD-202604208

Katelyn Lewis

Rules Coordinator

Public Utility Commission of Texas

Effective date: October 21, 2026

Proposal publication date: May 1, 2026

For further information, please call: (512) 936-7044



TITLE 28. INSURANCE

PART 1. TEXAS DEPARTMENT OF INSURANCE

CHAPTER 1. GENERAL ADMINISTRATION SUBCHAPTER C. ASSESSMENT OF MAINTENANCE TAXES AND FEES

28 TAC §1.414

The commissioner of insurance adopts amendments to 28 TAC §1.414, concerning assessment of maintenance taxes, surcharges, and fees collected from the sale of insurance policies. The commissioner adopts §1.414 with a nonsubstantive change to the proposed text published in the July 31, 2026 issue of the *Texas Register* (51 TexReg 4981) text to correct punctuation. The rule will be republished.

REASONED JUSTIFICATION. The amended section is necessary to implement Senate Bill 1455, 89th Legislature, 2025, which amended the Insurance Code and Labor Code to replace the collection of maintenance taxes for workers' compensation insurance with the collection of workers' compensation surcharges.

The amendments to §1.414 replace "maintenance tax" with "surcharge" and add "surcharge" to subsections pertaining to workers' compensation to conform with the terminology change in SB 1455. The text of §1.414 as proposed has been changed to insert necessary commas in subsections (a) and (h).

In addition, the adopted amendments include nonsubstantive rule drafting and formatting changes for plain language and to conform the section to the agency's current style and to improve the rule's clarity. These changes include lowercasing "Commissioner" and adding the title of statutory citations for transparency.

SUMMARY OF COMMENTS. The department provided an opportunity for public comment on the rule proposal for a period that ended on August 31, 2026. The department did not receive any comments on the proposed amendments. No commenters

spoke at a public hearing on the proposal held on August 25, 2026.

STATUTORY AUTHORITY. The commissioner adopts amended §1.414 under Insurance Code §251.001 and §36.001.

Insurance Code §251.001 requires the commissioner to annually determine the rate of assessment of each maintenance tax or workers' compensation surcharge imposed under Title 3, Subtitle C, of the Insurance Code.

Insurance Code §36.001 authorizes the commissioner to adopt any rules necessary and appropriate to implement the powers and duties of the department under the Insurance Code and other laws of the state.

§1.414. Assessment of Maintenance Taxes, Surcharges, and Fees.

(a) Each calendar year by commissioner order the department will assess rates for maintenance taxes, surcharges, and fees on the gross premiums of insurers for the following lines of insurance:

(1) motor vehicle insurance, under Insurance Code §254.002, concerning Maximum Rate; Annual Adjustment;

(2) casualty insurance and fidelity, guaranty, and surety bonds, under Insurance Code §253.002, concerning Maximum Rate; Annual Adjustment;

(3) fire insurance and allied lines, including inland marine, under Insurance Code §252.002, concerning Maximum Rate; Annual Adjustment;

(4) workers' compensation insurance, under Insurance Code §255.002, concerning Maximum Rate; Annual Adjustment;

(5) workers' compensation insurance, under Labor Code §403.003, concerning Rate of Surcharge;

(6) workers' compensation insurance, under Labor Code §405.003, concerning Funding; Surcharge and Recovery of Surcharge by Insurers;

(7) workers' compensation insurance, under Labor Code §407A.301, concerning Surcharge for Division and Research Functions of Department;

(8) workers' compensation insurance, under Labor Code §407A.302, concerning Surcharge for Department; and

(9) title insurance, under Insurance Code §271.005, concerning Maximum Rate; Annual Adjustment.

(b) Each calendar year by commissioner order the department will assess the rate for the maintenance tax to be assessed on gross premiums of insurers for life, health, and accident insurance and the gross considerations for annuity and endowment contracts, under Insurance Code §257.002, concerning Maximum Rate; Annual Adjustment.

(c) Each calendar year by commissioner order the department will assess rates for maintenance taxes for the following entities:

(1) under Insurance Code §258.003, concerning Maximum Rate; Annual Adjustment, an amount per enrollee for:

(A) single service health maintenance organizations;

(B) multiservice health maintenance organizations; and

(C) limited service health maintenance organizations; and

(2) under Insurance Code §259.003, concerning Maximum Rate; Annual Adjustment, a rate of the correctly reported gross amount of administrative or service fees for third-party administrators.

(d) Each calendar year by commissioner order the department will assess a surcharge rate under Labor Code §405.003 for each certified self-insurer, to fund the Workers' Compensation Research and Evaluation Group. The rate will be calculated under Labor Code §407.103(b), concerning Self-Insurer Surcharge; Effect on General Surcharge, and it will be billed to the certified self-insurer by the Division of Workers' Compensation.

(e) Each calendar year by commissioner order the department will assess a surcharge rate under Labor Code §405.003 and §407A.301 for each workers' compensation self-insurance group, to fund the Workers' Compensation Research and Evaluation Group. The rate will be calculated under Labor Code §407.103(b).

(f) Each calendar year by commissioner order the department will assess a surcharge rate under Labor Code §407.103 and §407.104, concerning Collection of Surcharges and Fees; Administrative Violation, for each certified self-insurer. The rate will be calculated under Labor Code §407.103(b), and it will be billed to the certified self-insurer by the Division of Workers' Compensation.

(g) The maintenance tax and surcharge revenue need is calculated as the amount of revenue needed to reach the targeted year-end fund balance, considering the beginning balance, other expected revenues, and estimated expenditures. For each line of insurance:

(1) the assessment rate is calculated by dividing the revenue need by the estimated premium volume or assessment base; and

(2) if the calculated rate is above the statutory rate, the rate is set at the statutory maximum and any revenue shortfall is spread to the other maintenance tax or surcharge lines, increasing the revenue need and tax rates for the remaining lines.

(h) The taxes, surcharges, and fees assessed by the commissioner order issued under subsections (a), (b), (c), and (e) of this section will be payable and due to the Comptroller of Public Accounts on March 1 each year.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 1, 2026.

TRD-202604210

Jessica Barta

General Counsel

Texas Department of Insurance

Effective date: October 21, 2026

Proposal publication date: July 31, 2026

For further information, please call: (512) 656-6777



CHAPTER 6. CAPTIVE INSURANCE

SUBCHAPTER G. TAXES

28 TAC §6.601

The commissioner of insurance adopts amendments to 28 TAC §6.601, concerning the waiver of workers' compensation surcharge. The amendments are adopted without changes to the proposed text published in the July 31, 2026 issue of the *Texas Register* (51 TexReg 4989). The rule will not be republished.

REASONED JUSTIFICATION. The amended section is necessary to implement Senate Bill 1455, 89th Legislature, 2025, which amended the Insurance Code and Labor Code to replace

the collection of maintenance taxes for workers' compensation insurance policies with the collection of workers' compensation surcharges.

The amendments to §6.601 add to its title "Surcharges and Fees" to more fully reflect the text of the section, and add "surcharges" to follow "taxes" in addressing what a redomesticating foreign or alien captive insurance company may request the commissioner to waive under subsection (d) and add the phrase "workers' compensation surcharges" to the items in the list that follow it. The amendments also make nonsubstantive changes for plain language and to adhere to current agency style.

SUMMARY OF COMMENTS. The department provided an opportunity for public comment on the rule proposal for a period that ended on August 31, 2026. The department did not receive any comments on the proposed amendments. No commenters spoke at a public hearing on the proposal held on August 25, 2026.

STATUTORY AUTHORITY. The commissioner adopts amended §6.601 under Insurance Code §§251.001, 964.069, 2051.201, and 36.001.

Insurance Code §251.001 requires the commissioner to annually determine the rate of assessment of each maintenance tax or workers' compensation surcharge imposed under Title 3, Subtitle C of the Insurance Code.

Insurance Code §964.069 authorizes the commissioner to adopt reasonable rules as necessary to implement the purposes and provisions of Insurance Code Chapter 964.

Insurance Code §2051.201 authorizes the commissioner to adopt and enforce rules to carry out provisions of law referenced in Insurance Code §2051.002, which includes Insurance Code Chapter 251 as that chapter relates to workers' compensation insurance.

Insurance Code §36.001 authorizes the commissioner to adopt any rules necessary and appropriate to implement the powers and duties of the department under the Insurance Code and other laws of the state.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on October 1, 2026.

TRD-202604212

Jessica Barta

General Counsel

Texas Department of Insurance

Effective date: October 21, 2026

Proposal publication date: July 31, 2026

For further information, please call: (512) 656-6777

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REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

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

Proposed Rule Reviews

Texas Higher Education Coordinating Board

Title 19, Part 1

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 5, Subchapter A, General Provisions, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 5, Subchapter A, should continue.

Comments on the review may be submitted to Kimberly Fuchs, Assistant General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at rulescomments@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 5, Subchapter A.

TRD-202604219

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Filed: October 2, 2026



The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 5, Subchapter B, Role and Mission, Tables of Programs, Course Inventories, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 5, Subchapter B, should continue.

Comments on the review may be submitted to Kimberly Fuchs, Assistant General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at rulescomments@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 5, Subchapter B.

TRD-202604220

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Filed: October 2, 2026



The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 5, Subchapter H, University Funding for Excellence in Specific Programs and Fields Initiative Grants and Awards, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 5, Subchapter H, should continue.

Comments on the review may be submitted to Kimberly Fuchs, Assistant General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at rulescomments@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 5, Subchapter H.

TRD-202604221

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Filed: October 2, 2026



The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 17, Subchapter A, General Provisions, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 17, Subchapter A, should continue.

Comments on the review may be submitted to Kimberly Fuchs, Assistant General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at rulescomments@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 17, Subchapter A.

TRD-202604223

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Filed: October 2, 2026



The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 17, Subchapter B, Reporting Requirements, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 17, Subchapter B, should continue.

Comments on the review may be submitted to Kimberly Fuchs, Assistant General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at rulescomments@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 17, Subchapter B.

TRD-202604224

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Filed: October 2, 2026



The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 17, Subchapter C, Project Standards, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 17, Subchapter C, should continue.

Comments on the review may be submitted to Kimberly Fuchs, Assistant General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at rulescomments@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 17, Subchapter C.

TRD-202604225

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Filed: October 2, 2026



The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part

1, Chapter 17, Subchapter E, Reports, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 17, Subchapter E, should continue.

Comments on the review may be submitted to Kimberly Fuchs, Assistant General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at rulescomments@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 17, Subchapter E.

TRD-202604226

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Filed: October 2, 2026



The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 17, Subchapter F, Facilities Audit, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 17, Subchapter F, should continue.

Comments on the review may be submitted to Kimberly Fuchs, Assistant General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at rulescomments@highered.texas.gov. Comments will be accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 17, Subchapter F.

TRD-202604227

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Filed: October 2, 2026



The Texas Higher Education Coordinating Board (Coordinating Board) proposes the review of Texas Administrative Code (TAC), Title 19, Part 1, Chapter 17, Subchapter G, Texas State Technical College System Acquisitions of Land and Facilities, pursuant to Texas Government Code §2001.039.

This review is conducted as required by law, which states that state agencies must assess whether the initial reasons for adopting a rule continue to exist every four years. As required by statute, the Coordinating Board will accept comments as to whether TAC, Chapter 17, Subchapter G, should continue.

Comments on the review may be submitted to Kimberly Fuchs, Assistant General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at rulescomments@highered.texas.gov. Comments will be

accepted for 30 days following publication of this notice in the *Texas Register*.

The text of the rule section being reviewed will not be published, but may be found in TAC, Title 19, Part 1, Chapter 17, Subchapter G.

TRD-202604228

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Filed: October 2, 2026



State Board for Educator Certification

Title 19, Part 7

The State Board for Educator Certification (SBEC) proposes the review of 19 Texas Administrative Code (TAC) Chapter 233, Categories of Classroom Teaching Certificates, pursuant to Texas Government Code (TGC), §2001.039.

As required by TGC, §2001.039, the SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 233 continue to exist.

The comment period on the review of 19 TAC Chapter 233 begins October 16, 2026, and ends November 16, 2026. A form for submitting public comments on the proposed rule review is available on the Texas Education Agency (TEA) website at <https://tea.texas.gov/laws-and-rules/sbec-rules-tac/state-board-educator-certification-rule-review>. The SBEC will take registered oral and written comments on the review of 19 TAC Chapter 233 during the December 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

TRD-202604241

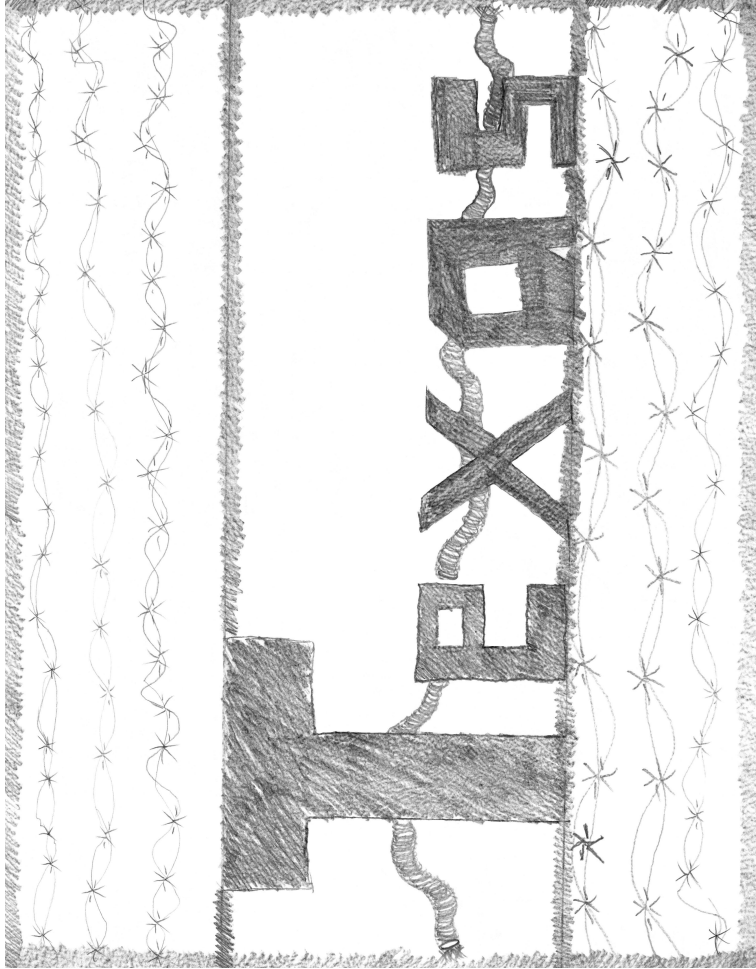
Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Filed: October 5, 2026





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 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, §303.005, and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 10/12/26 - 10/18/26 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 10/12/26 - 10/18/26 is 18.00% for commercial² credit.

The monthly ceiling as prescribed by §303.005³ and §303.009 for the period of 10/01/26 - 10/31/26 is 18.00%.

¹ Credit for personal, family, or household use.

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

³ Only for variable rate commercial transactions, as provided by §303.004(a)

TRD-202604251

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: October 6, 2026



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 **November 17, 2026**. 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 physical 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. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at

<https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **November 17, 2026**. Written comments may also be sent to the enforcement coordinator by email to ENF-COMNT@tceq.texas.gov or by facsimile machine at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed contact information; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: ALTERNATIVE ENVIRONMENTAL & RECYCLING SERVICES INC; DOCKET NUMBER: 2026-0234-MLM-E; IDENTIFIER: RN110299047; LOCATION: Thrall, Williamson County; TYPE OF FACILITY: used oil and used oil filter processing and transporter facility; PENALTY: \$9,232; ENFORCEMENT COORDINATOR: Eresha DeSilva, (713) 767-3669; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(2) COMPANY: Aqua Texas, Inc.; DOCKET NUMBER: 2026-0810-PWS-E; IDENTIFIER: RN104965934; LOCATION: Beach City, Chambers County; TYPE OF FACILITY: public water supply; PENALTY: \$367; ENFORCEMENT COORDINATOR: Taner Hengst, (512) 239-1143; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(3) COMPANY: Beaumont New Ammonia LLC; DOCKET NUMBER: 2026-0786-AIR-E; IDENTIFIER: RN112058540; LOCATION: Nederland, Jefferson County; TYPE OF FACILITY: ammonia storage tank site; PENALTY: \$2,813; ENFORCEMENT COORDINATOR: John Burkett, (512) 239-4169; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(4) COMPANY: Bladerunner Farms, Inc.; DOCKET NUMBER: 2026-0354-WR-E; IDENTIFIER: RN112309851; LOCATION: Poteet, Atascosa County; TYPE OF FACILITY: turf grass farm; PENALTY: \$8,000; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(5) COMPANY: Blue Tide Baytown, LLC; DOCKET NUMBER: 2026-0121-AIR-E; IDENTIFIER: RN109413096; LOCATION: Baytown, Chambers County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$10,200; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$4,080; ENFORCEMENT COORDINATOR: John Burkett, (512) 239-4169; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(6) COMPANY: CSWR-TEXAS UTILITY OPERATING COMPANY, LLC; DOCKET NUMBER: 2026-0624-MWD-E; IDENTIFIER: RN103145603; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$19,050;

ENFORCEMENT COORDINATOR: Madison Crawford, (512) 239-4603; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(7) COMPANY: CSWR-TEXAS UTILITY OPERATING COMPANY, LLC; DOCKET NUMBER: 2026-0838-PWS-E; IDENTIFIER: RN101441095; LOCATION: Donie, Limestone County; TYPE OF FACILITY: public water supply; PENALTY: \$4,942; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(8) COMPANY: Carrington Associates, Inc.; DOCKET NUMBER: 2026-0773-PWS-E; IDENTIFIER: RN101242691; LOCATION: Markham, Matagorda County; TYPE OF FACILITY: public water supply; PENALTY: \$4,745; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(9) COMPANY: Chem Nut, Inc.; DOCKET NUMBER: 2023-1337-IHW-E; IDENTIFIER: RN101867042; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: distribution warehouse for agriculture chemicals; PENALTY: \$19,000; ENFORCEMENT COORDINATOR: Jennifer Graves, (956) 430-6023; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(10) COMPANY: City of Abilene; DOCKET NUMBER: 2026-0364-PST-E; IDENTIFIER: RN101443257; LOCATION: Abilene, Taylor County; TYPE OF FACILITY: underground storage tank system; PENALTY: \$37,375; ENFORCEMENT COORDINATOR: Sujata Sinha, (512) 239-1963; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(11) COMPANY: City of Arlington; DOCKET NUMBER: 2026-0302-WQ-E; IDENTIFIER: RN104950134; LOCATION: Arlington, Tarrant County; TYPE OF FACILITY: wastewater collection system; PENALTY: \$11,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$11,250; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(12) COMPANY: City of Austin; DOCKET NUMBER: 2026-0383-MWD-E; IDENTIFIER: RN102077328; LOCATION: Pflugerville, Travis County; TYPE OF FACILITY: municipal wastewater system; PENALTY: \$15,625; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$15,625; ENFORCEMENT COORDINATOR: Amy Lane, (512) 239-2614; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(13) COMPANY: City of Beaumont; DOCKET NUMBER: 2026-0124-MWD-E; IDENTIFIER: RN101612224; LOCATION: Beaumont, Jefferson County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$27,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$21,600; ENFORCEMENT COORDINATOR: Madison Crawford, (512) 239-4603; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(14) COMPANY: City of Loraine; DOCKET NUMBER: 2025-0013-PWS-E; IDENTIFIER: RN101392249; LOCATION: Loraine, Mitchell County; TYPE OF FACILITY: public water supply; PENALTY: \$5,562; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$4,450; ENFORCEMENT COORDINATOR: Taner Hengst, (512) 239-1143; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(15) COMPANY: City of Lytle; DOCKET NUMBER: 2025-1813-MWD-E; IDENTIFIER: RN102327020; LOCATION: Lytle, Atascosa County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$10,125; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$8,100; ENFORCEMENT COORDINATOR: Hannah Moreno, (512) 239-2509; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(16) COMPANY: City of Pflugerville; DOCKET NUMBER: 2025-0779-MWD-E; IDENTIFIER: RN101611440; LOCATION: Pflugerville, Travis County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$326,675; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$326,675; ENFORCEMENT COORDINATOR: Hannah Moreno, (512) 239-2509; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(17) COMPANY: City of Port Arthur; DOCKET NUMBER: 2025-1545-PWS-E; IDENTIFIER: RN101391043; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: public water supply; PENALTY: \$30,769; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$30,769; ENFORCEMENT COORDINATOR: Ilia Perez Ramirez, (512) 239-2556; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(18) COMPANY: Corpus Christi Liquefaction, LLC; DOCKET NUMBER: 2026-0839-AIR-E; IDENTIFIER: RN104104716; LOCATION: Gregory, San Patricio County; TYPE OF FACILITY: natural gas processing plant; PENALTY: \$24,300; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$9,720; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(19) COMPANY: DC Caliche, LLC; DOCKET NUMBER: 2026-0554-PST-E; IDENTIFIER: RN111401477; LOCATION: Dawn, Deaf Smith County; TYPE OF FACILITY: aggregate production operation; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Ramya Wendt, (512) 239-2513; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(20) COMPANY: EnLink North Texas Gathering, LP; DOCKET NUMBER: 2026-0800-AIR-E; IDENTIFIER: RN111186128; LOCATION: Lenorah, Martin County; TYPE OF FACILITY: natural gas compressor station; PENALTY: \$12,125; ENFORCEMENT COORDINATOR: Michael Wilkins, (325) 698-6134; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, REGION 3 - ABILENE.

(21) COMPANY: ExxonMobil Oil Corporation; DOCKET NUMBER: 2026-0450-AIR-E; IDENTIFIER: RN100542844; LOCATION: Beaumont, Jefferson County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$11,100; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$4,440; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(22) COMPANY: Flint Hills Resources Corpus Christi, LLC; DOCKET NUMBER: 2026-0347-AIR-E; IDENTIFIER: RN100235266; LOCATION: Corpus Christi, Nueces County; TYPE OF FACILITY: petroleum refinery; PENALTY: \$17,518; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$7,007; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(23) COMPANY: Guadalupe-Blanco River Authority; DOCKET NUMBER: 2026-0889-PWS-E; IDENTIFIER: RN105813158; LOCATION: Bulverde, Comal County; TYPE OF FACILITY: public water supply; PENALTY: \$1,437; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(24) COMPANY: INEOS Americas LLC; DOCKET NUMBER: 2025-1166-AIR-E; IDENTIFIER: RN100213958; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$85,500; ENFORCEMENT COORDINATOR: John Burkett, (512) 239-4169; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(25) COMPANY: INEOS Americas LLC; DOCKET NUMBER: 2026-0917-AIR-E; IDENTIFIER: RN102926920; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$2,380; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(26) COMPANY: INEOS Styrolution America LLC; DOCKET NUMBER: 2026-0583-AIR-E; IDENTIFIER: RN100542224; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$10,965; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$4,386; ENFORCEMENT COORDINATOR: John Burkett, (512) 239-4169; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(27) COMPANY: Integra Water Texas, LLC and IW Texas, Corp.; DOCKET NUMBER: 2024-0797-MWD-E; IDENTIFIER: RN110786183; LOCATION: Dale, Bastrop County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$24,053; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: REGION 12 - HOUSTON.

(28) COMPANY: JHJ Land and Cattle Company Holdings, LLC; DOCKET NUMBER: 2026-0879-EAQ-E; IDENTIFIER: RN111225348; LOCATION: New Braunfels, Comal County; TYPE OF FACILITY: home development; PENALTY: \$4,500; ENFORCEMENT COORDINATOR: Cynthia Sidaa, (713) 767-3525; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(29) COMPANY: Joe's Speedy Mart, Inc. and TRUE SOUTHERN REAL ESTATE, LLC; DOCKET NUMBER: 2026-0474-PST-E; IDENTIFIER: RN102381670; LOCATION: Port Arthur, Jefferson County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: \$8,523; ENFORCEMENT COORDINATOR: Ramya Wendt, (512) 239-2513; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(30) COMPANY: Joseph Theodore Gonzalez; DOCKET NUMBER: 2026-0815-PST-E; IDENTIFIER: RN101445112; LOCATION: Harlingen, Cameron County; TYPE OF FACILITY: temporarily out-of-service underground storage tank; PENALTY: \$2,475; ENFORCEMENT COORDINATOR: Julie Nieto, (512) 239-2539; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(31) COMPANY: KLEPZIG, BRYAN I; DOCKET NUMBER: 2024-0526-MLM-E; IDENTIFIER: RN111854675; LOCATION: Hutto, Williamson County; TYPE OF FACILITY: storage site and an unregistered sludge transporter business; PENALTY: \$12,375; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$6,187; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713)

767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(32) COMPANY: Ketjen Limited Liability Company; DOCKET NUMBER: 2026-0545-AIR-E; IDENTIFIER: RN100218247; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$18,375; ENFORCEMENT COORDINATOR: John Burkett, (512) 239-4169; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(33) COMPANY: LowCul Holdings, LLC; DOCKET NUMBER: 2026-0681-DCL-E; IDENTIFIER: RN109268094; LOCATION: Prosper, Collin County; TYPE OF FACILITY: dry cleaning drop station; PENALTY: \$1,362; ENFORCEMENT COORDINATOR: Celicia Garza, (210) 657-8422; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(34) COMPANY: LyondellBasell Acetyls, LLC; DOCKET NUMBER: 2026-0303-AIR-E; IDENTIFIER: RN100224450; LOCATION: La Porte, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$14,973; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$5,989; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(35) COMPANY: Miller Family Services, Inc.; DOCKET NUMBER: 2025-1043-AIR-E; IDENTIFIER: RN105511190; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: crematory; PENALTY: \$12,750; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(36) COMPANY: Murphy Oil USA, Inc.; DOCKET NUMBER: 2026-0748-PST-E; IDENTIFIER: RN102223260; LOCATION: San Antonio, Bexar County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: \$4,951; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(37) COMPANY: Northwest Grayson County Water Control and Improvement District No. 1; DOCKET NUMBER: 2026-0685-PWS-E; IDENTIFIER: RN101184323; LOCATION: Gordonville, Grayson County; TYPE OF FACILITY: public water supply; PENALTY: \$550; ENFORCEMENT COORDINATOR: Katherine McKinney, (512) 239-4619; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(38) COMPANY: P1 ENERGY, LLC; DOCKET NUMBER: 2025-1146-AIR-E; IDENTIFIER: RN112075544; LOCATION: Runge, Karnes County; TYPE OF FACILITY: oil and gas handling facility; PENALTY: \$2,625; ENFORCEMENT COORDINATOR: Mackenzie Mehlmann, (512) 239-2572; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(39) COMPANY: Patton Springs Independent School District; DOCKET NUMBER: 2024-0186-PWS-E; IDENTIFIER: RN101229169; LOCATION: Afton, Dickens County; TYPE OF FACILITY: public water supply; PENALTY: \$3,625; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$2,900; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(40) COMPANY: The Dow Chemical Company; DOCKET NUMBER: 2026-0645-AIR-E; IDENTIFIER: RN100225945; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: chemical production plant; PENALTY: \$16,875; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$6,750; ENFORCEMENT COORDINATOR:

John Burkett, (512) 239-4169; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(41) COMPANY: Undine Texas, LLC; DOCKET NUMBER: 2026-0765-PWS-E; IDENTIFIER: RN102671674; LOCATION: Port Lavaca, Calhoun County; TYPE OF FACILITY: public water supply; PENALTY: \$21,571; ENFORCEMENT COORDINATOR: Madison Bergeron, (512) 239-2552; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(42) COMPANY: West Point Silica, LLC; DOCKET NUMBER: 2026-0528-MLM-E; IDENTIFIERS: RN111806261 RN112013560; LOCATION: Big Spring, Howard County; TYPE OF FACILITY: aggregate production operations; PENALTY: \$46,750; ENFORCEMENT COORDINATOR: Stephanie McCurley, (512) 239-2607; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(43) COMPANY: Wink Amine Treater, LLC; DOCKET NUMBER: 2025-1082-AIR-E; IDENTIFIER: RN111756912; LOCATION: Pyote, Winkler County; TYPE OF FACILITY: oil and gas treatment plant; PENALTY: \$940,127; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(44) COMPANY: Wink Amine Treater, LLC; DOCKET NUMBER: 2025-1743-AIR-E; IDENTIFIER: RN111756912; LOCATION: Pyote, Winkler County; TYPE OF FACILITY: oil and gas treatment plant; PENALTY: \$406,958; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

TRD-202604250

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: October 6, 2026



Enforcement Orders

An agreed order was adopted regarding Whitharral Water and Sewer Service Supply Corporation, Docket No. 2021-1129-MLM-E on October 7, 2026 assessing \$15,525 in administrative penalties with \$15,525 deferred. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas.

An agreed order was adopted regarding City of Santa Rosa, Docket No. 2021-1640-MWD-E on October 7, 2026 assessing \$59,500 in administrative penalties with \$59,500 deferred. Information concerning any aspect of this order may be obtained by contacting Taylor Packell, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Gulf Coast Growth Ventures LLC, Docket No. 2022-0654-A2026IR-E on October 7, 2026 assessing \$37,001 in administrative penalties with \$7,400 deferred. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Chevron Phillips Chemical Company LP, Docket No. 2022-0735-AIR-E on October 7, 2026 assessing \$23,750 in administrative penalties. Information concerning

any aspect of this order may be obtained by contacting Raven Daigle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Aransas Pass, Docket No. 2022-1076-MLM-E on October 7, 2026 assessing \$110,588 in administrative penalties with \$22,117 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of La Feria, Docket No. 2022-1084-MWD-E on October 7, 2026 assessing \$63,600 in administrative penalties with \$12,720 deferred. Information concerning any aspect of this order may be obtained by contacting Cheryl Thompson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Sky Ranches Inc, Docket No. 2023-0145-MWD-E on October 7, 2026 assessing \$57,375 in administrative penalties with \$11,475 deferred. Information concerning any aspect of this order may be obtained by contacting Jennifer Graves, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Phillips 66 Company, Docket No. 2023-0341-AIR-E on October 7, 2026 assessing \$97,801 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jennifer Graves, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Boling Municipal Water District, Docket No. 2023-0620-PWS-E on October 7, 2026 assessing \$1,140 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Misty James, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

2025-1678-2024-1715A default order was adopted regarding Waterstone on Lake Conroe Inc, Docket No. 2023-0781-WQ-E on October 7, 2026 assessing \$11,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pearson, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Alon USA, LP, Docket No. 2023-0979-AIR-E on October 7, 2026 assessing \$136,404 in administrative penalties with \$27,280 deferred. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

A default order was adopted regarding Tocar Enterprises LLC, Docket No. 2023-1538-PST-E on October 7, 2026 assessing \$5,763 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Atwar Wilkins, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Union Water Supply Corporation, Docket No. 2023-1735-MWD-E on October 7, 2026 assessing \$51,562 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Casey Cobb, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding D.Burton Construction LLC, Docket No. 2023-1795-WQ-E on October 7, 2026 assessing \$28,125

in administrative penalties with \$26,925 deferred. Information concerning any aspect of this order may be obtained by contacting Taylor Packell, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding D.Burton Construction LLC, Docket No. 2023-1796-WQ-E on October 7, 2026 assessing \$48,125 in administrative penalties with \$46,925 deferred. Information concerning any aspect of this order may be obtained by contacting Taylor Packell, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding THE LUBRIZOL CORPORATION, Docket No. 2024-0218-AIR-E on October 7, 2026 assessing \$61,605 in administrative penalties with \$12,321 deferred. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Mabank, Docket No. 2024-0223-MWD-E on October 7, 2026 assessing \$55,900 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Penny Wimberly, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Jarrell Industrial Park LLC, Docket No. 2024-0300-EAQ-E on October 7, 2026 assessing \$25,000 in administrative penalties with \$5,000 deferred. Information concerning any aspect of this order may be obtained by contacting Penny Wimberly, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Formosa Plastics Corporation, Texas, Docket No. 2024-0436-AIR-E on October 7, 2026 assessing \$39,375 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Judson Independent School District, Docket No. 2024-0495-MWD-E on October 7, 2026 assessing \$19,500 in administrative penalties with \$3,900 deferred. Information concerning any aspect of this order may be obtained by contacting Casey Cobb, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Phillips 66 Company, Docket No. 2024-1271-AIR-E on October 7, 2026 assessing \$25,750 in administrative penalties with \$5,150 deferred. Information concerning any aspect of this order may be obtained by contacting Jennifer Graves, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Bayport Polymers LLC, Docket No. 2024-1410-AIR-E on October 7, 2026 assessing \$29,625 in administrative penalties with \$5,925 deferred. Information concerning any aspect of this order may be obtained by contacting Katie Phillips, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding AFTON CHEMICAL CORPORATION, Docket No. 2024-1457-AIR-E on October 7, 2026 assessing \$80,717 in administrative penalties with \$16,143 deferred. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, Enforcement Coordinator at (512) 239-2545,

Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding JGE Gas Solutions, LP, Docket No. 2024-1462-AIR-E on October 7, 2026 assessing \$49,912 in administrative penalties with \$9,982 deferred. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Van Alstyne, Docket No. 2024-1504-MWD-E on October 7, 2026 assessing \$249,687 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Huntsville, Docket No. 2024-1715-MWD-E on October 7, 2026 assessing \$24,000 in administrative penalties with \$4,800 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Hempstead, Docket No. 2024-1784-MWD-E on October 7, 2026 assessing \$14,125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Elizabeth Vanderwerken, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding West Harris County Municipal Utility District No. 11 i, Docket No. 2024-1867-MLM-E on October 7, 2026 assessing \$26,725 in administrative penalties with \$5,345 deferred. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Wortham, Docket No. 2025-0006-MWD-E on October 7, 2026 assessing \$24,500 in administrative penalties with \$4,900 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding DOORWAY RECYCLING SOLUTIONS INC, Docket No. 2025-0058-MLM-E on October 7, 2026 assessing \$260,750 in administrative penalties with \$52,150 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TEXAS METAL CASTING CO, Docket No. 2025-0434-AIR-E on October 7, 2026 assessing \$19,125 in administrative penalties with \$3,825 deferred. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Flint Hills Resources Corpus Christi, LLC, Docket No. 2025-0436-AIR-E on October 7, 2026 assessing \$53,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Chico, Docket No. 2025-0502-MWD-E on October 7, 2026 assessing \$133,687 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Big Spring, Docket No. 2025-0563-PWS-E on October 7, 2026 assessing \$7,100 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Packell, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Martinsville ISD, Docket No. 2025-0584-MWD-E on October 7, 2026 assessing \$37,365 in administrative penalties with \$7,473 deferred. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding PHILLIPS 66 COMPANY, Docket No. 2025-0664-AIR-E on October 7, 2026 assessing \$85,425 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Jennifer Graves, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Exxon Mobil Corporation, Docket No. 2025-0708-AIR-E on October 7, 2026 assessing \$14,250 in administrative penalties with \$2,850 deferred. Information concerning any aspect of this order may be obtained by contacting Raven Daigle, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas Circle Fuel Management LLC dba Now & Forever Eldridge, Docket No. 2025-0934-PST-E on October 7, 2026 assessing \$30,557 in administrative penalties with \$6,111 deferred. Information concerning any aspect of this order may be obtained by contacting Bryce Huck, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Fish Pond Investments LLC, Docket No. 2025-0977-MWD-E on October 7, 2026 assessing \$17,250 in administrative penalties with \$13,650 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding International Extrusion Corporation-Texas, Docket No. 2025-1065-IHW-E on October 7, 2026 assessing \$67,589 in administrative penalties with \$13,517 deferred. Information concerning any aspect of this order may be obtained by contacting Katie Phillips, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Boling Municipal Water District, Docket No. 2025-1190-MWD-E on October 7, 2026 assessing \$38,500 in administrative penalties with \$7,700 deferred. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Adrian, Docket No. 2025-1325-PWS-E on October 7, 2026 assessing \$5,232 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Corinna Willis, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas Water Utilities, L.P., Docket No. 2025-1338-MWD-E on October 7, 2026 assessing \$24,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Penny Wimberly, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Bellaire, Docket No. 2025-1364-MLM-E on October 7, 2026 assessing \$145,500 in administrative penalties with \$29,100 deferred. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding H & S Constructors, Inc., Docket No. 2025-1485-AIR-E on October 7, 2026 assessing \$70,875 in administrative penalties with \$14,175 deferred. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Vallourec Star, LP, Docket No. 2025-1532-MWD-E on October 7, 2026 assessing \$12,937 in administrative penalties with \$2,587 deferred. Information concerning any aspect of this order may be obtained by contacting Penny Wimberly, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LTX Sand and Gravel, L.L.C., Docket No. 2025-1646-MLM-E on October 7, 2026 assessing \$15,000 in administrative penalties with \$3,000 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LION ELASTOMERS ORANGE, LLC, Docket No. 2025-1678-AIR-E on October 7, 2026 assessing \$22,200 in administrative penalties with \$4,440 deferred. Information concerning any aspect of this order may be obtained by contacting Rajesh Acharya, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Splendora Independent School District, Docket No. 2025-1766-MWD-E on October 7, 2026 assessing \$30,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Madison Crawford, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LaPorte Rail and Terminal, LLC, Docket No. 2026-0160-IWD-E on October 7, 2026 assessing \$77,138 in administrative penalties with \$15,427 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Crawford, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Lion Elastomers LLC, Docket No. 2026-0169-AIR-E on October 7, 2026 assessing \$14,182 in administrative penalties with \$2,836 deferred. Information concerning any

aspect of this order may be obtained by contacting Trenton White, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Alon USA, LP, Docket No. 2026-0205-AIR-E on October 7, 2026 assessing \$14,875 in administrative penalties with \$2,975 deferred. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ennis-Flint, Inc., Docket No. 2026-0208-AIR-E on October 7, 2026 assessing \$22,500 in administrative penalties with \$4,500 deferred. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Burlington Resources Oil & Gas Company LP, Docket No. 2026-0214-AIR-E on October 7, 2026 assessing \$8,451 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding River Acres Water Supply Corporation, Docket No. 2026-0479-PWS-E on October 7, 2026 assessing \$3,375 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taner Hengst, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202604268

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 7, 2026



Enforcement Orders

An agreed order was adopted regarding Circle K Stores Inc. dba Circle K Store 2742546, Docket No. 2023-1257-PST-E on October 6, 2026 assessing \$10,104 in administrative penalties with \$2,020 deferred. Information concerning any aspect of this order may be obtained by contacting Casey Cobb, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Lancaster Regional Hospital L.P., Docket No. 2023-1537-PST-E on October 6, 2026 assessing \$8,232 in administrative penalties with \$1,646 deferred. Information concerning any aspect of this order may be obtained by contacting Rachel Murray, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Matagorda County Water Control and Improvement District No. 2, Docket No. 2024-0325-PWS-E on October 6, 2026 assessing \$2,012 in administrative penalties with \$402 deferred. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding IMOGENE WAGNER COMPANY, INC. and SM Wagner, LLC, Docket No. 2024-1062-WQ-E on October 6, 2026 assessing \$8,978 in administrative penalties with

\$1,795 deferred. Information concerning any aspect of this order may be obtained by contacting Kadrienn Woodard, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Baker Petrolite LLC, Docket No. 2024-1133-AIR-E on October 6, 2026 assessing \$7,688 in administrative penalties with \$1,537 deferred. Information concerning any aspect of this order may be obtained by contacting Mackenzie Mehlmann, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Cisco, Docket No. 2025-0179-MWD-E on October 6, 2026 assessing \$9,989 in administrative penalties with \$1,997 deferred. Information concerning any aspect of this order may be obtained by contacting Amy Lane, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LONGVIEW BRIDGE AND ROAD, LTD, Docket No. 2025-0217-AIR-E on October 6, 2026 assessing \$5,906 in administrative penalties with \$1,181 deferred. Information concerning any aspect of this order may be obtained by contacting Bethany Batchelor, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Suheil Darwish, Docket No. 2025-0580-PST-E on October 6, 2026 assessing \$5,654 in administrative penalties with \$1,130 deferred. Information concerning any aspect of this order may be obtained by contacting Katie Phillips, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Rangers Baseball LLC, Docket No. 2025-0760-PST-E on October 6, 2026 assessing \$11,687 in administrative penalties with \$2,337 deferred. Information concerning any aspect of this order may be obtained by contacting Ramyia Wendt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Frida Sofia Juraidini, Docket No. 2025-1013-IHW-E on October 6, 2026 assessing \$12,500 in administrative penalties with \$2,500 deferred. Information concerning any aspect of this order may be obtained by contacting Celia Garza, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Center TX Velocity LLC and Southwest Texas Commercial Properties LLC, Docket No. 2025-1455-PST-E on October 6, 2026 assessing \$9,738 in administrative penalties with \$1,947 deferred. Information concerning any aspect of this order may be obtained by contacting Ramyia Wendt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Silver Spur Energy Services Inc., Docket No. 2025-1504-MLM-E on October 6, 2026 assessing \$12,026 in administrative penalties with \$2,405 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Forterra Pressure Pipe Inc. Docket No. 2025-1593-IWD-E on October 6, 2026 assessing \$125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Penny Wimberly, Enforcement

Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding GEMCO HELOTES STORAGE, LLC., Docket No. 2025-1643-EAQ-E on October 6, 2026 assessing \$10,000 in administrative penalties with \$2,000 deferred. Information concerning any aspect of this order may be obtained by contacting Adriana Fuentes, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Jourdan, Docket No. 2025-1687-MWD-E on October 6, 2026 assessing \$125 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Penny Wimberly, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Chevron Phillips Chemical Company LP, Docket No. 2025-1754-AIR-E on October 6, 2026 assessing \$8,975 in administrative penalties with \$1,795 deferred. Information concerning any aspect of this order may be obtained by contacting Mackenzie Mehlmann, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TA Operating LLC, Docket No. 2025-1863-MWD-E on October 6, 2026 assessing \$9,375 in administrative penalties with \$1,875 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Loyola Junction LLC, Docket No. 2025-1914-MSW-E on October 6, 2026 assessing \$7,125 in administrative penalties with \$1,425 deferred. Information concerning any aspect of this order may be obtained by contacting Stephanie McCurley, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding West Keegans Bayou Improvement District, Docket No. 2026-0073-WQ-E on October 6, 2026 assessing \$10,000 in administrative penalties with \$2,000 deferred. Information concerning any aspect of this order may be obtained by contacting Amy Lane, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SILVER LEAF COMMUNITIES, LLC, Docket No. 2026-0075-WQ-E on October 6, 2026 assessing \$6,750 in administrative penalties with \$1,350 deferred. Information concerning any aspect of this order may be obtained by contacting Cynthia Sida, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Canyon Creek Custom Homes, LLC, Docket No. 2026-0175-WQ-E on October 6, 2026 assessing \$12,375 in administrative penalties with \$2,475 deferred. Information concerning any aspect of this order may be obtained by contacting Taylor Williamson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Quarters, LLC, Docket No. 2026-0247-MWD-E on October 6, 2026 assessing \$7,125 in administrative penalties with \$1,425 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith,

Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Austwell, Docket No. 2026-0261-MWD-E on October 6, 2026 assessing \$9,150 in administrative penalties with \$1,830 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Crawford, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding SK Primacor Americas LLC, Docket No. 2026-0267-AIR-E on October 6, 2026 assessing \$10,800 in administrative penalties with \$2,160 deferred. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding The University of Texas System, Docket No. 2026-0271-WQ-E on October 6, 2026 assessing \$8,625 in administrative penalties with \$1,725 deferred. Information concerning any aspect of this order may be obtained by contacting Alejandra Basave, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Joseph Gaber dba Cody's Market, Docket No. 2026-0280-PWS-E on October 6, 2026 assessing \$3,743 in administrative penalties with \$748 deferred. Information concerning any aspect of this order may be obtained by contacting Ilia Perez Ramirez, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Shelly's RV Park, LLC, Docket No. 2026-0306-PWS-E on October 6, 2026 assessing \$375 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Wyatt Throm, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Westlake Epoxy Inc., Docket No. 2026-0312-AIR-E on October 6, 2026 assessing \$6,650 in administrative penalties with \$1,330 deferred. Information concerning any aspect of this order may be obtained by contacting John Burkett, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding LaPorte Rail and Terminal, LLC, Docket No. 2026-0314-AIR-E on October 6, 2026 assessing \$8,550 in administrative penalties with \$1,710 deferred. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Southwestern Public Service Company, Docket No. 2026-0427-AIR-E on October 6, 2026 assessing \$10,500 in administrative penalties with \$2,100 deferred. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding CHESTER WATER SUPPLY CORPORATION, Docket No. 2026-0434-PWS-E on October 6, 2026 assessing \$7,578 in administrative penalties with \$810 deferred. Information concerning any aspect of this order may be obtained by contacting Anjali Talpallikar, Enforcement Coordinator at (512) 239-2545,

Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding 100 Erskine Ferry LLC, 101 Rio Cibolo Island Dr LLC, and 178 Rio Cibolo Way LLC, Docket No. 2026-0526-WR-E on October 6, 2026 assessing \$2,000 in administrative penalties with \$400 deferred. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Centerville, Docket No. 2026-0532-PWS-E on October 6, 2026 assessing \$1,287 in administrative penalties with \$257 deferred. Information concerning any aspect of this order may be obtained by contacting Ronica Rodriguez Scott, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Nueces County Water Control and Improvement District No. 5, Docket No. 2026-0558-PWS-E on October 6, 2026 assessing \$2,520 in administrative penalties with \$504 deferred. Information concerning any aspect of this order may be obtained by contacting Taner Hengst, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Cresson, Docket No. 2026-0586-PWS-E on October 6, 2026 assessing \$1,580 in administrative penalties with \$316 deferred. Information concerning any aspect of this order may be obtained by contacting Katherine McKinney, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Edward P. Vacek, Docket No. 2026-0596-WOC-E on October 6, 2026 assessing \$1,187 in administrative penalties with \$237 deferred. Information concerning any aspect of this order may be obtained by contacting Taner Hengst, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Ashley and Fagan Investments Co. Inc., Docket No. 2026-0603-PWS-E on October 6, 2026 assessing \$4,400 in administrative penalties with \$4,400 deferred. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding NuStar Logistics, L.P., Docket No. 2026-0613-AIR-E on October 6, 2026 assessing \$5,638 in administrative penalties with \$1,127 deferred. Information concerning any aspect of this order may be obtained by contacting Johnnie Wu, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Blum, Docket No. 2026-0638-PWS-E on October 6, 2026 assessing \$375 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Anjali Talpallikar, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding MILK AND HONEY RANCH HOLDINGS, LLC, Docket No. 2026-0660-PWS-E on October 6, 2026 assessing \$2,413 in administrative penalties with \$482 deferred. Information concerning any aspect of this order may be obtained by contacting Katherine Argueta, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Veolia ES Technical Solutions, L.L.C., Docket No. 2026-0671-IWD-E on October 6, 2026 assessing \$983 in administrative penalties with \$196 deferred. Information concerning any aspect of this order may be obtained by contacting Madison Crawford, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Undine Texas LLC, Docket No. 2026-0692-PWS-E on October 6, 2026 assessing \$749 in administrative penalties with \$149 deferred. Information concerning any aspect of this order may be obtained by contacting Emerson Rinewalt, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding TDIndustries, Inc., Docket No. 2026-0701-PST-E on October 6, 2026 assessing \$2,500 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Sujata Sinha, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Dalton R. Sigler, Docket No. 2026-0783-WOC-E on October 6, 2026 assessing \$175 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Wyatt Throm, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Synthomer Adhesive Technologies LLC, Docket No. 2026-0804-AIR-E on October 6, 2026 assessing \$7,800 in administrative penalties with \$1,560 deferred. Information concerning any aspect of this order may be obtained by contacting Morgan Kopcho, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202604269

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 7, 2026

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Notice of District Petition - D-09142026-018

Notice issued October 6, 2026

TCEQ Internal Control No. D-09142026-018: Colina Land Investment, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of SE Collin County Municipal Utility District No. 1 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds a majority in value of the land to be included in the proposed District; (2) there is one lienholder, Vantage Bank of Texas, on the property to be included in the proposed District and information provided indicates that the lienholder consents to the creation of the proposed District; (3) the proposed District will contain approximately 92.18 acres located within Collin County, Texas; and (4) the District is entirely outside the extraterritorial jurisdiction of any municipality. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, and extend works, improvements, facilities, plants, equipment and appliances necessary or helpful to supply and distribute water for municipal, domestic and

commercial purposes; (2) collect, transport, process, dispose of and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend and control local storm waters or other harmful excesses of waters; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (5) purchase, construct, acquire, improve, or extend such additional facilities, systems, plants, and enterprises as shall be consistent with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$5,375,000 (\$2,975,000 for water, wastewater, and drainage plus \$2,400,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202604265

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 6, 2026



Notice of Opportunity to Comment on a Default Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring

the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **November 17, 2026**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the DO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed DO's identifying information, such as its docket number. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on November 17, 2026**. The commission's attorneys are available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: US Sand & Gravel, LLC; DOCKET NUMBER: 2025-0818-WQ-E; TCEQ ID NUMBER: RN111364469; LOCATION: Farm-to-Market 1476 at the intersection of Farm-to-Market 1476 & County Road 343, (West side of Farm-to-Market 1476), Proctor, Comanche County; TYPE OF FACILITY: a construction sand and gravel plant; PENALTY: \$3,125; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Abilene Regional Office, 1977 Industrial Boulevard, Abilene, Texas 79602-7833, (325) 698-9674.

TRD-202604249

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: October 6, 2026



Notice of Water Quality Application - WQ0010348001 Minor Amendment

The following notice was issued on October 1, 2026:

The following notice 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 FROM THE DATE THIS NOTICE IS MAILED.

INFORMATION SECTION

Trinity River Authority of Texas has applied for a minor amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0010348001 to remove the current Interim I (3,000,000 gallons per day (gpd)) phase, change the current Interim III phase from 6,000,000 gpd to 7,000,000 gpd, change the current Interim IV phase from 9,000,000 gpd to 8,000,000 gpd, add an Interim IV phase with 10,000,000 gpd for Outfall 002 and 900,000 gpd for Outfall 001, and to revise the 2-hour peak flow for Outfall 002 in the Final (12,000,000 gpd) phase. The existing permit authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 12,000,000 gpd. The facility is located approximately 1.5 miles north of the intersection of U.S. Highway 67 and U.S. Highway 287, in Ellis County, Texas 76065.

TRD-202604263

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 6, 2026



Notice of Water Quality Application - WQ0011217001 Minor Amendment

The following notice was issued on October 6, 2026:

The following notice 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 (10) DAYS FROM THE DATE THIS NOTICE IS MAILED.

INFORMATION SECTION

Pine Cove, Inc. has applied for a minor amendment of TCEQ Permit No. WQ0011217001 which authorizes the disposal of treated domestic wastewater at a daily average flow the disposal of treated domestic wastewater at a daily average flow not to exceed 0.15 million gallons per day (MGD) via non-public access surface irrigation system with a minimum area of 54 acres. This permit will not authorize a discharge of pollutants into water in the state. The wastewater treatment facility and disposal site are located 0.2 miles south of the intersection of County Road 1133 and Farm-to-Market Road 2661, in Smith County, Texas 75762.

TRD-202604264

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 6, 2026



Notice of Water Quality Application - WQ0016382001 Minor Amendment

The following notice was issued on September 29, 2026:

The following notice 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 FROM THE DATE THIS NOTICE IS MAILED.

INFORMATION SECTION

CastleRock Communities LLC and Waller County Municipal Utility District No. 53 have applied for a minor amendment to the Texas Pollutant Discharge Elimination System Permit No. WQ0016382001 to

authorize a change in the proposed location of the facility, and transfer permit ownership from Greenwood Land Holdings, LLC to Castlerock Communities, LLC and Waller County MUD No. 53. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 240,000 gallons per day. The facility will be located approximately 3,450 feet east of the intersection of Kickapoo Road and Farm-to-Market Road 1488, in Waller County, Texas 77447.

TRD-202604262

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 6, 2026



Notice of Water Quality Application - WQ0016474001 Minor Amendment

The following notice was issued on October 7, 2026:

The following notice 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 FROM THE DATE THIS NOTICE IS MAILED.

INFORMATION SECTION

M/I Homes of Austin, LLC and Taylor Morrison of Texas, Inc. has applied to TCEQ for a minor amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0016474001, to reduce a daily average flow from 120,000 gallons per day (gpd) to 90,000 gpd in the Interim I phase, add an Interim II phase with a daily average flow of 180,000 gpd, and to move the existing Interim II phase with a daily average flow of 270,000 gpd to Interim III phase. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 990,000 gallons per day. The facility will be located approximately 0.95 miles northeast of the intersection of County Road 107 and County Road 110, in Williamson County, Texas 78626.

TRD-202604270

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: October 7, 2026



General Land Office

Coastal Boundary Survey - Gangs Bayou, Galveston County, Blaskey

Surveying Services

Coastal Boundary Survey

Project: Gangs Bayou

Project No: USACE Permit No. SWG-2023-00293

Project Manager: Diana Ramirez, Coastal Field Operations

Surveyor: Stephen Blaskey, LSLs, RPLS

Description: Coastal Boundary Survey dated July 27, 2026, delineating the littoral boundary of the Eastern Shore of Gangs Bayou, being part of Galveston West Bay, State Submerged Tract 77, and the Edward Hall and Levi Jones Survey, Abstract No. 121, Galveston County, in connection with USACE Permit No. SWG-2023-00293

and GLO No. CL20260017. Centroid coordinates N29.251399°, W94.908507°, WGS84. A copy of the survey recorded in Document No. SL2026000005, State Land Records of Galveston County.

A Coastal Boundary Survey for the above-referenced project has been reviewed and accepted by Surveying Services; upon completion of public notice requirements, the survey will be filed in the Texas General Land Office, Archives and Records, in accordance with provisions of the Tex. Nat. Res. Code §33.136.

by:

Signed: Miguel A. Escobar, Assistant Chief Surveyor

Date: September 29, 2026

Pursuant to Tex. Nat. Res. Code §33.136, the herein described Coastal Boundary Survey is approved by Dawn Buckingham, M.D., Commissioner of the Texas General Land Office.

by:

Signed: Jennifer G. Jones, Chief Clerk and Deputy Land Commissioner

Date: October 5, 2026

Filed as: Galveston County, NRC Article 33.136 Sketch No. 105

Tex. Nat. Res. Code §33.136

TRD-202604259

Jennifer Jones

Chief Clerk & Deputy Land Commissioner

General Land Office

Filed: October 6, 2026



Coastal Boundary Survey - Indian Point, Corpus Christi Bay, San Patricio County

Surveying Services

Coastal Boundary Survey

Project: Indian Point

Project No: CEPRA 1651

Project Manager: Kelly Brooks, CEPRA Program Manager

Surveyor: Stephen Blaskey, LSLS, RPLS

Description: Coastal Boundary Survey dated August 14, 2026, delineating the littoral boundary of the north shore of Corpus Christi Bay, State Submerged Tract 41, and Nueces Bay, State Submerged Tract 753, and the Cyrus W. Egery Survey, A-111, San Patricio County, in connection with CEPRA Project No. 1651. Centroid coordinates 27.852258°N, 97.356459°W, WGS84. A copy of the survey recorded in the Records of the San Patricio County Surveyor on September 17, 2026.

A Coastal Boundary Survey for the above-referenced project has been reviewed and accepted by Surveying Services; upon completion of public notice requirements, the survey will be filed in the Texas General Land Office, Archives and Records, in accordance with provisions of the Tex. Nat. Res. Code §33.136.

by:

Signed: Miguel A. Escobar, Assistant Chief Surveyor

Date: September 28, 2026

Pursuant to Tex. Nat. Res. Code §33.136, the herein described Coastal Boundary Survey is approved by Dawn Buckingham, M.D., Commissioner of the Texas General Land Office.

by:

Signed: Jennifer G. Jones, Chief Clerk and Deputy Land Commissioner

Date: October 5, 2026

Filed as: San Patricio County, NRC Article 33.136 Sketch No. 11

Tex. Nat. Res. Code §33.136

TRD-202604257

Jennifer Jones

Chief Clerk & Deputy Land Commissioner

General Land Office

Filed: October 6, 2026



Surveying Services Coastal Boundary Survey

Project: Ayers Bay

Project No: GLO Lease SL20260028

Project Manager: Amy Nunez, Director, Coastal Field Operations

Surveyor: Stephen Blaskey, LSLS, RPLS

Description: Coastal Boundary Survey dated June 26, 2026, delineating the littoral boundary of the James Power & James W. Hewetson Survey, A-30 Calhoun County and A-381 Aransas County, on the southerly bank of Ayers Bay in connection with SL20260028. Centroid coordinates N28.167761°, W96.819182°, WGS84. A copy of the survey recorded in Document No. 2026-02809, Official Public Records of Calhoun County, Texas and Document No. 419032, Official Public Records of Aransas County, Texas.

A Coastal Boundary Survey for the above-referenced project has been reviewed and accepted by Surveying Services; upon completion of public notice requirements, the survey will be filed in the Texas General Land Office, Archives and Records, in accordance with provisions of the Tex. Nat. Res. Code §33.136.

by:

Signed: Miguel A. Escobar, Assistant Chief Surveyor

Date: September 29, 2026

Pursuant to Tex. Nat. Res. Code §33.136, the herein described Coastal Boundary Survey is approved by Dawn Buckingham, M.D., Commissioner of the Texas General Land Office.

by:

Signed: Jennifer G. Jones, Chief Clerk and Deputy Land Commissioner

Date: October 5, 2026

Filed as: Calhoun County, NRC Article 33.136 Sketch No. 19

Tex. Nat. Res. Code §33.136

TRD-202604258

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: October 6, 2026



Department of State Health Services

Licensing Actions for Radioactive Materials

During the second half of August 2026, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

NEW LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
DENVER CITY	OCCIDENTAL PERMIAN LTD	L07330	DENVER CITY	00	08/19/26
SUGAR LAND	CITEX CMT LLC	L07331	SUGAR LAND	00	08/24/26
THROUGHOUT TX	VIVID INSPECTIONS LLC	L07332	BIG SANDY	000	08/25/26

AMENDMENTS TO EXISTING LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
AMARILLO	NORTHWEST TEXAS HEALTHCARE SYSTEM INC DBA NORTHWEST TEXAS HEALTHCARE SYSTEM	L02054	AMARILLO	97	08/27/26
AUSTIN	TEXAS ONCOLOGY	L06206	AUSTIN	32	08/18/26
BAY CITY	TENARIS BAY CITY INC	L06876	BAY CITY	003	08/26/26
BAYTOWN	EXXON MOBIL TECHNOLOGY AND ENGINEERING	L07236	BAYTOWN	03	08/24/26
CONROE	HEALTHY LIVING HEART AND VASCULAR PLLC	L07241	CONROE	03	08/17/26
DEER PARK	OXY VINYLs LP	L03200	DEER PARK	24	08/20/26
EAGLE PASS	FORT DUNCAN MEDICAL CENTER LP	L05640	EAGLE PASS	19	08/25/26
EL PASO	RIO GRANDE UROLOGY PA	L06721	EL PASO	16	08/20/26
EL PASO	EL PASO COUNTY HOSPITAL DISTRICT	L00502	EL PASO	88	08/27/26
FLOWER MOUND	TEXAS ONCOLOGY PA	L05526	FLOWER MOUND	42	08/27/26
FORT WORTH	BAYLOR ALL SAINTS MEDICAL CENTER DBA BAYLOR SCOTT & WHITE ALL SAINTS MEDICAL CENTER – FORT WORTH	L02212	FORT WORTH	126	08/20/26
HAMILTON	HAMILTON COUNTY HOSPITAL DISTRICT DBA HAMILTON GENERAL HOSPITAL	L06883	HAMILTON	04	08/31/26
HOUSTON	AMERIKOR CONSULTANTS INC	L07125	HOUSTON	01	08/28/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
HOUSTON	THE CENTER FOR COLLABORATIVE RESEARCH INC	L06284	HOUSTON	08	08/18/26
HOUSTON	THE UNIVERSITY OF TEXAS MD ANDERSON CANCER CENTER	L06227	HOUSTON	67	08/31/26
HOUSTON	THE METHODIST HOSPITAL DBA HOUSTON METHODIST	L00457	HOUSTON	224	08/17/26
LA PORTE	OXY VINYLs LP	L06131	LA PORTE	08	08/20/26
LUBBOCK	COVENANT MEDICAL CENTER	L06993	LUBBOCK	014	08/28/26
LUBBOCK	METHODIST CHILDRENS HOSPITAL DBA JOE ARRINGTON CANCER CENTER	L06900	LUBBOCK	22	08/31/26
MCALLEN	RIO GRANDE VALLEY ISOTOPES LLC	L06202	MCALLEN	17	08/20/26
NEW BRAUNFELS	LONE STAR HEART AND VASCULAR CLINIC PA	L07316	NEW BRAUNFELS	01	08/18/26
PASADENA	OXY VINYLs LP	L02257	PASADENA	34	08/20/26
PLANO	ORANO MED THERANOSTICS LLC	L07255	PLANO	05	08/17/26
PLANO	COLUMBIA MEDICAL CENTER OF PLANO SUBSIDIARY LP DBA MEDICAL CITY PLANO	L02032	PLANO	139	08/31/26
SAN ANROTIO	PROFESSIONAL SERVICE INDUSTRIES INC	L04946	SAN ANTONIO	27	08/17/26
SAN MARCOS	CHRISTUS SANTA ROSA HEALTH CARE CORPORATION DBA CHRISTUS SANTA ROSA HOSPITAL - SAN MARCOS	L07081	SAN MARCOS	10	08/28/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
THROUGHOUT TX	ST DAVIDS HEALTHCARE PARTNERSHIP LP LLP DBA ST DAVIDS MEDICAL CENTER	L00740	AUSTIN	194	08/20/26
THROUGHOUT TX	TEXAS DEPARTMENT OF TRANSPORTATION	L00197	BEAUMONT	213	08/25/26
THROUGHOUT TX	VERTEX RESOURCE SERVICES INC	L07209	CONROE	03	08/27/26
THROUGHOUT TX	CREST PUMPING TECHNOLOGIES LLC	L06838	FORT WORTH	8	08/24/26
THROUGHOUT TX	STERIGENICS US LLC	L03851	FORT WORTH	62	08/26/26
THROUGHOUT TX	UNITED STATES ENVIRONMENTAL SVCS LLC	L05801	HOUSTON	018	08/27/26
THROUGHOUT TX	HVJ ASSOCIATES INC	L03813	HOUSTON	82	08/25/26
THROUGHOUT TX	TEXAS CHILDRENS HOSPITAL	L04612	HOUSTON	86	08/18/26
THROUGHOUT TX	ARCTIC TESTING AND INSPECTION LLC	L07065	LA PORTE	14	08/31/26
THROUGHOUT TX	PRO-SURVE TECHNICAL SERVICES LLC	L06905	LEAGUE CITY	016	08/27/26
THROUGHOUT TX	NEXLINE NDT LLC	L07249	MIDLAND	001	08/26/26
THROUGHOUT TX	NEXLINE NDT LLC	L07249	MIDLAND	02	08/31/26
THROUGHOUT TX	SOCON SONAR WELL SERVICES INC	L06982	MISSOURI CITY	03	08/19/26
THROUGHOUT TX	TECHCORR USA MANAGEMENT LLC	L05972	PASADENA	139	08/27/26
THROUGHOUT TX	CENTURION PLANNING AND DESIGN LLC DBA CONSTRUCTION SERVICES	L05625	SAN ANGELO	19	08/31/26
THROUGHOUT TX	CUDD PUMPING SERVICES INC	L06989	THE WOODLANDS	07	08/17/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
TRHOUGHOUT TX	SCIENTIFIC DRILLING INTERNATIONAL	L05105	HOUSTON	14	08/20/26
TRHOUGHOUT TX	EMPIRE WIRELINE LLC	L06997	MANVILLE	07	08/19/26
WACO	HILLCREST BAPTIST MEDICAL CENTER DBA BAYLOR SCOTT & WHITE MEDICAL CENTER HILLCREST	L00845	WACO	136	08/26/26

RENEWAL OF LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
AMARILLO	PANHANDLE NUCLEAR RX LTD	L04683	AMARILLO	33	08/21/26
SHERMAN	NORTH TEXAS COMPREHENSIVE CARDIOLOGY PLLC DBA SIGNET HEART GROUP	L06797	SHERMAN	11	08/28/26
THROUGHOUT TX	TERRACON CONSULTANTS INC	L05268	HOUSTON	87	08/24/26

TERMINATIONS OF LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amendment Number	Date of Action
SAN ANTONIO	SCHNITZLER CARDIOVASCULAR CONSULTANTS PLLC	L07167	SAN ANTONIO	01	08/18/26
SAN ANTONIO	TEXAS DERMATOLOGY AND LASER SPECIALISTS PLLC	L07253	SAN ANTONIO	01	08/31/26

TRD-202604211
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: October 1, 2026

◆ ◆ ◆
Texas Department of Insurance

Company Licensing

Application for Columbian Mutual Life Insurance Company, a foreign life, accident and/or health company, to change its name to Columbian Life Insurance Company of New York. The home office is in Johnson Way, New York.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of Andrew Guerrero, 1601 Congress Ave., Suite 6.900, Austin, Texas 78701.

TRD-202604266
Justin Beam
Chief Clerk
Texas Department of Insurance
Filed: October 7, 2026

◆ ◆ ◆
North Central Texas Council of Governments

Request for Proposals Regional System Manager Support Services

The North Central Texas Council of Governments (NCTCOG) is requesting written proposals from consultant firms to provide Regional System Manager Support Services. NCTCOG is planning to initiate multiple projects in support of managing transportation operations on a regional basis. These projects are intended to interact with and supplement the transportation systems management and operations provided by the local transportation agencies in the North Texas region. The System Manager will assist NCTCOG with performing system engineering and technical support-related services.

NCTCOG will be releasing this Request for Proposals (RFP) on **Friday, October 16, 2026**, in the Bidnet Direct system and will accept electronic submissions through the Bidnet Direct system only. The Bidnet Direct submittal will count as the official submittal. Proposals must be submitted in Bidnet Direct no later than **5:00 p.m., Central Time, on Friday, November 13, 2026**. Proposals received after that time will not be accepted.

NCTCOG does not discriminate on the basis of age, race, color, religion, sex, national origin, or disability.

TRD-202604213
Monte Mercer
Acting Executive Director
North Central Texas Council of Governments
Filed: October 1, 2026

◆ ◆ ◆
Public Utility Commission of Texas

Notice of Application to Amend Designations as an Eligible Telecommunications Carrier

Notice is given to the public of an application filed with the Public Utility Commission of Texas on September 24, 2026, to amend its designation as an eligible telecommunications carrier (ETC) in the State of Texas under 47 U.S.C. § 214(e) and 16 Texas Administrative Code §26.418.

Docket Title and Number: Application of Tracfone Wireless, Inc. To Amend its Designation as an Eligible Telecommunications Carrier, Docket Number 60324.

The Application: Tracfone Wireless requests that its ETC designation be amended to reflect a new name: Verizon Value, Inc.

Persons who wish to comment on this application should notify the Public Utility Commission by October 29, 2026. Requests for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326, or you may call the PUCT Office of Consumer Assistance at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals may contact the commission through Relay Texas at (800) 735-2989. All comments should reference Docket Number 60324.

TRD-202604242
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: October 5, 2026

◆ ◆ ◆
Supreme Court of Texas

Final Approval of Amendments to Texas Rules of Civil Procedure 47 and 169

Supreme Court of Texas

Misc. Docket No. 26-9079

Final Approval of Amendments to Texas Rules of Civil Procedure 47 and 169

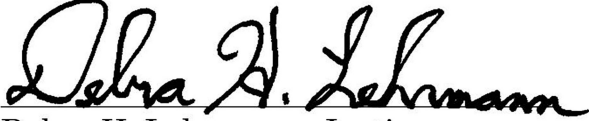
ORDERED that:

1. On May 29, 2026, in Misc. Dkt. No. 26-9037, the Court preliminarily approved amendments to Texas Rules of Civil Procedure 47 and 169 and invited public comment.
2. No additional changes have been made to the proposed amendments following the public comment period. This order gives final approval to the amendments as set forth in Misc. Dkt. No. 26-9037 and reproduced below, effective immediately.
3. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. send a copy of this order to the Governor, the Lieutenant Governor, and each elected member of the Legislature;
 - c. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*; and
 - d. submit a copy of this order for publication in the *Texas Register*.

Date: October 2, 2026.



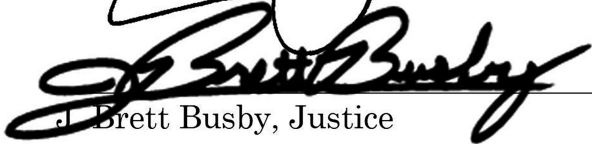
James D. Blacklock, Chief Justice



Debra H. Lehrmann, Justice



John P. Devine, Justice



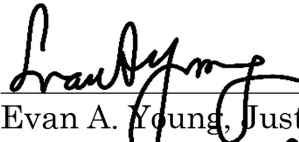
J. Brett Busby, Justice



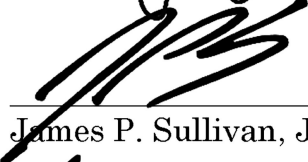
Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice



Kyle D. Hawkins, Justice

TEXAS RULES OF CIVIL PROCEDURE

RULE 47. CLAIMS FOR RELIEF

An original pleading which sets forth a claim for relief, whether an original petition, counterclaim, cross-claim, or third party claim, shall contain

(c) except in suits governed by the Family Code, a statement that the party seeks:

- (1) only monetary relief of ~~\$250,000~~\$325,000 or less, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs;
- (2) monetary relief of ~~\$250,000~~\$325,000 or less and non-monetary relief;
- (3) monetary relief over ~~\$250,000~~\$325,000 but not more than \$1,000,000;
- (4) monetary relief over \$1,000,000; or
- (5) only non-monetary relief; and

Comment to 2026 change: Rule 47 is amended to implement amendments to section 22.004(h-1) of the Texas Government Code.

RULE 169. EXPEDITED ACTIONS

(a) *Application.* The expedited actions process in this rule applies to a suit in which all claimants, other than counter-claimants, affirmatively plead that they seek only monetary relief aggregating ~~\$250,000~~\$325,000 or less, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

(b) *Recovery.* In no event may a party who prosecutes a suit under this rule recover a judgment in excess of ~~\$250,000~~, \$325,000, excluding interest, statutory or punitive damages and penalties, and attorney fees and costs.

Comment to 2026 change: Rule 169 is amended to implement amendments to section 22.004(h-1) of Texas Government Code.

TRD-202604214
Blake Hawthorne
Clerk of the Court
Supreme Court of Texas
Filed: October 2, 2026

◆ ◆ ◆
Preliminary Approval of Amendments to Texas Rule of Civil
Procedure 145

Supreme Court of Texas

Misc. Docket No. 26-9080

Preliminary Approval of Amendments to Texas Rule of Civil Procedure 145

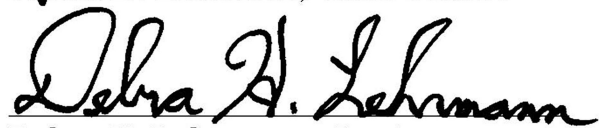
ORDERED that:

1. The Court invites public comments on proposed amendments to Texas Rule of Civil Procedure 145.
2. Comments regarding the amendments should be submitted in writing to rulescomments@txcourts.gov by February 1, 2027.
3. The Court will issue an order finalizing the amendments after the close of the comment period. The Court may change the amendments in response to public comments. The Court expects the amendments to take effect on March 1, 2027.
4. The Clerk is directed to:
 - a. file a copy of this order with the Secretary of State;
 - b. send a copy of this order to the Governor, the Lieutenant Governor, and each elected member of the Legislature;
 - c. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*; and
 - d. submit a copy of this order for publication in the *Texas Register*.

Dated: October 2, 2026.



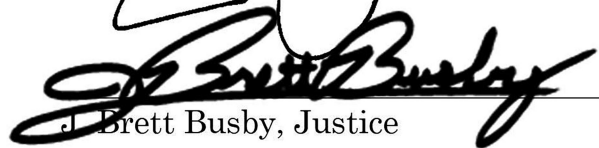
James D. Blacklock, Chief Justice



Debra H. Lehmann, Justice



John P. Devine, Justice



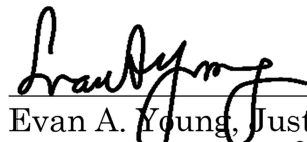
J. Brett Busby, Justice



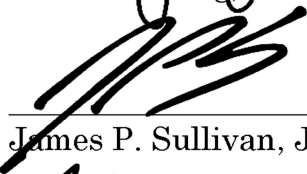
Jane N. Bland, Justice



Rebeca A. Huddle, Justice



Evan A. Young, Justice



James P. Sullivan, Justice



Kyle D. Hawkins, Justice

TEXAS RULES OF CIVIL PROCEDURE

RULE 145. PAYMENT OF COSTS NOT REQUIRED

- (a) *Costs Defined.* “Costs” mean any fee charged by the court or an officer of the court, including, but not limited to, filing fees, fees for issuance and service of process, fees for copies, fees for a court-appointed professional, and fees charged by the clerk or court reporter for preparation of the appellate record.
- (b) *Sworn Statement Required.* A party who cannot afford payment of court costs must file the Statement of Inability to Afford Payment of Court Costs approved by the Supreme Court or another sworn document containing the same information. A “sworn” Statement is one that is signed before a notary or made under penalty of perjury. In this rule, “declarant” means the party filing the Statement.
- (c) *Duties of the Clerk.* The clerk:
 - (1) must make the Statement available to any person for free without request;
 - (2) may return a Statement for correction only if it is not sworn—not for failure to attach evidence or any other reason; and
 - (3) must, on the filing of a sworn Statement, docket the case, issue citation, and provide any other service that is ordinarily provided to a party.
- (d) *Prima Facie Evidence of Inability to Afford Payment of Costs.* The declarant should submit with the Statement any available evidence of the declarant’s inability to afford payment of costs. An attachment demonstrating any of the following is prima facie evidence:
 - (1) the declarant or the declarant’s dependent receives benefits from a means-tested government entitlement program;
 - (2) the declarant is being represented in the case by an attorney who is providing legal services to the declarant through:
 - (A) a provider funded by the Texas Access to Justice Foundation;
 - (B) a provider funded by the Legal Services Corporation; or
 - (C) a nonprofit that provides civil legal services to persons living at or below 200% of the federal poverty guidelines published

annually by the United States Department of Health and Human Services; or

- (3) the declarant has applied for free legal services for the case through a provider listed in (2) and was determined to be financially eligible but was declined representation.
- (e) *Motion to Require Payment of Costs.* A motion to require the declarant to pay costs must comply with this paragraph.
- (1) *By the Clerk, the Reporter, or a Party.* A motion filed by the clerk, the court reporter, or a party must contain sworn evidence—not merely allegations—either that the Statement was materially false when made or that because of changed circumstances, it is no longer true.
 - (2) *By the Court.* The court on its own may require the declarant to prove the inability to afford costs when evidence comes before the court that the declarant may be able to afford costs or when an officer or professional must be appointed in the case.
- (f) *Notice; Hearing; Requirements of Order.* When a Statement has been filed, the declarant must not be ordered to pay costs unless these procedural requirements have been satisfied:
- (1) *Notice and Hearing.* The declarant must not be required to pay costs without an oral evidentiary hearing. The declarant must be given 10 days' notice of the hearing. Notice must either be in writing and served in accordance with Rule 21a or given in open court. At the hearing, the burden is on the declarant to prove the inability to afford costs.
 - (2) *Findings Required.* An order requiring the declarant to pay costs must be supported by detailed findings that the declarant can afford to pay costs.
 - (3) *Partial and Delayed Payment.* The court may order that the declarant pay the part of the costs the declarant can afford or that payment be made in installments. But the court must not delay the case if payment is made in installments.
 - (4) *Order Must State Notice of Right to Appeal.* An order requiring the declarant to pay costs must state in conspicuous type: "You may challenge this order by filing a motion in the court of appeals within 10 days after the date this order is signed. See Texas Rule of Civil Procedure 145."

(g) *Review of Trial Court Order.*

- (1) *Only Declarant May Challenge; Motion.* Only the declarant may challenge an order issued by the trial court under this rule. The declarant may challenge the order by motion filed in the court of appeals ~~with that would have~~ jurisdiction over an appeal from the judgment in the case. The declarant is not required to pay any filing fees related to the motion in the court of appeals.
 - (2) *Time for Filing; Extension.* The motion must be filed within 10 days after the trial court's order is signed. The court of appeals may extend the deadline by 15 days if the declarant demonstrates good cause for the extension in writing.
 - (3) *Record.* After a motion is filed, the court of appeals must promptly send notice to the trial court clerk and the court reporter requesting preparation of the record of all trial court proceedings on the declarant's claim of indigence. The court may set a deadline for filing the record. The record must be provided without charge.
 - (4) *Court of Appeals to Rule Promptly.* The court of appeals must rule on the motion at the earliest practicable time.
- (h) *Judgment.* The judgment must not require the declarant to pay costs, and a provision in the judgment purporting to do so is void, unless the court has issued an order that complies with (f), or the declarant has obtained a monetary recovery, and the court orders the recovery to be applied toward payment of costs.
- (i) *Court to Designate Record.* When the declarant requests preparation of the reporter's record, the court must designate the portions to be transcribed.

Notes and Comments

Comment to 1988 change: The purpose of this rule is to allow indigents to file suit and have citation issued based solely on an affidavit of indigency filed with the suit.

Comment- 2005: The rule is amended to prohibit the contest of an affidavit that is accompanied by an attorney's IOLTA certificate.

Comment to 2016 Change: The rule has been rewritten. Access to the civil justice system cannot be denied because a person cannot afford to pay court costs.

Whether a particular fee is a court cost is governed by this rule, Civil Practice and Remedies Code Section 31.007, and case law.

The issue is not merely whether a person can pay costs, but whether the person can afford to pay costs. A person may have sufficient cash on hand to pay filing fees, but the person cannot afford the fees if paying them would preclude the person from paying for basic essentials, like housing or food. Experience indicates that almost all filers described in (e)(1)-(3), and most filers described in (e)(4), cannot in fact afford to pay costs.

Because costs to access the system—filing fees, fees for issuance of process and notices, and fees for service and return—are kept relatively small, the expense involved in challenging a claim of inability to afford costs often exceeds the costs themselves. Thus, the rule does not allow the clerk or a party to challenge a litigant's claim of inability to afford costs without sworn evidence that the claim is false. The filing of a Statement of Inability to Afford Payment of Court Costs—which may either be sworn to before a notary or made under penalty of perjury, as permitted by Civil Practice and Remedies Code Section 132.001—is all that is needed to require the clerk to provide ordinary services without payment of fees and costs. But evidence may come to light that the claim was false when made. And the declarant's circumstances may change, so that the claim is no longer true. Importantly, costs may increase with the appointment of officers or professionals in the case, or when a reporter's record must be prepared. The reporter is always allowed to challenge a claim of inability to afford costs before incurring the substantial expense of record preparation. The trial court always retains discretion to require evidence of an inability to afford costs.

Comment to 2021 Change: A number of changes have been made to reduce frivolous challenges to a Statement, which cost time and money, and to streamline proceedings. Former paragraph (c)(4) has been deleted. Paragraph (d) has been amended to clarify that proof of any listed criterion is prima facie evidence of the declarant's inability to afford payment of costs. Paragraph (e) has been amended to require that a contest by the court reporter satisfy the same conditions as a contest by the clerk or a party. New paragraph (i) requires that the trial court designate the portions of the reporter's record to be transcribed for appeal.

The rule has also been amended to require in paragraph (f)(4) that an order requiring payment of costs include conspicuous notice of the declarant's right to appeal.

To accommodate these substantive changes, some paragraphs have been rearranged and relettered or renumbered. Other clarifying and stylistic changes have been made.

TRD-202604215
Blake Hawthorne
Clerk of the Court
Supreme Court of Texas
Filed: October 2, 2026



Texas Department of Transportation

Notice of Application for Assumption of Federal Rail
Administration Responsibilities Pursuant to the Surface
Transportation Project Delivery Program, 23 U.S.C. §327

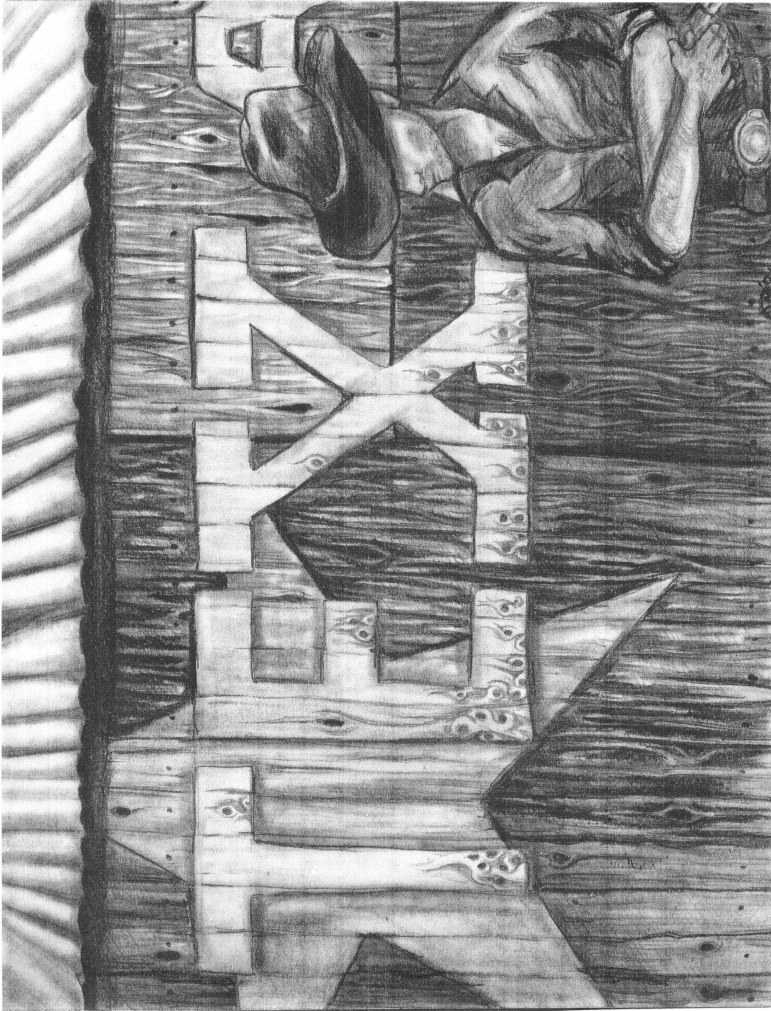
The Texas Department of Transportation (TxDOT) has prepared a draft application to the Federal Rail Administration (FRA) to assume FRA's responsibilities under the National Environmental Policy Act and other environmental laws. TxDOT now seeks public comment on its draft application. The draft application may be found on the TxDOT website at <https://www.txdot.gov/about/programs/environmental/nepa-as->

[signment-documentation.html](#). Arrangements for inspecting or obtaining a hard copy of the draft application may be made by contacting Patrick Lee at Patrick.Lee@txdot.gov or (512) 419-8604. The public comment period closes November 16, 2026. Any comments must be received on or before November 16, 2026, to be considered.

Please submit public comments to Patrick Lee at Patrick.Lee@txdot.gov with the subject line "Comments on TxDOT's FRA NEPA assignment application." Comments can also be submitted by mail to Environmental Affairs Division, Texas Department of Transportation, 6230 E Stassney Ln, Austin, Texas 78744, Attn: Patrick Lee.

TRD-202604209
James Kirk
Deputy General Counsel
Texas Department of Transportation
Filed: October 1, 2026





How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words “TexReg” and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 51 (2026) is cited as follows: 51 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written “51 TexReg 2 issue date,” while on the opposite page, page 3, in the lower right-hand corner, would be written “issue date 51 TexReg 3.”

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <https://www.sos.texas.gov>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the TAC.

The TAC volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete TAC is available through the Secretary of State’s website at <http://www.sos.state.tx.us/tac>.

The Titles of the TAC, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the TAC scheme, each section is designated by a TAC number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; TAC stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule’s TAC number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION

Part 4. Office of the Secretary of State

Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

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