

**BEFORE THE
RAILROAD COMMISSION OF TEXAS**

**FORMAL COMPLAINT BY §
SUPREME ENERGY COMPANY, § GAS UTILITIES DOCKET No. 10015
INC. AGAINST ATMOS PIPELINE §
– TEXAS, LINE S-20, ANDERSON §
COUNTY, TEXAS**

FINAL ORDER

Notice of Open Meeting to consider this Order was duly posted with the Secretary of State within the time period provided by law pursuant to Tex. Gov't Code Ann. Chap 551, et seq. (Vernon 2004 & Supp. 2010). The Railroad Commission adopts the following findings of fact and conclusions of law and orders as follows:

FINDINGS OF FACT

1. Atmos Pipeline – Texas is a gas utility as that term is defined in the Texas Utility Code.
2. Atmos Pipeline – Texas is an unincorporated division of Atmos Energy Corporation.
3. On August 31, 2010, Supreme Energy Co., Inc. filed a *Complaint* against Atmos Pipeline – Texas, Line S-20.
4. The following facts are not contested by the parties:
 - a. Supreme operates two gas wells in Anderson County:
 - (1) Loper #1, in Cayuga (Pettit) Field, Lease ID# 235514, API# 42-001-32540, and
 - (2) Hill Hiers #1, in the Cayuga (CV-TP Cons.) Field, Lease ID # 194582, API # 42-001-32406.
 - b. The wells have been placed back on line with Cayuga Pipeline and the Cayuga Pipeline began taking gas from Supreme Energy wells on October 13, 2010.
 - c. Supreme does not seek a hearing at this time.
5. Supreme argued that despite the uncontested facts set out in Finding of Fact No. 4, the matter raised in the pleadings are not moot and requested a final disposition by the Commission.
6. Atmos contended that these proceedings should be dismissed as moot.

CONCLUSIONS OF LAW

1. Atmos Pipeline – Texas is a “Gas Utility” as defined in Tex. Util. Code Ann. §101.003(7) (Vernon 2010) and §121.001(Vernon 2010) and is therefore subject to the jurisdiction of the Railroad Commission (Commission) of Texas.
2. Pursuant to 16 *Tex. Admin. Code Ann.* §3.73 (2010) no pipeline operator shall physically disconnect its facilities from or cease providing pipeline services to any well or lease without first obtaining: (1) written consent of the well or lease operator for the proposed disconnect or termination; or (2) written permission from the Commission.
3. Pursuant to 16 *Tex. Admin. Code Ann.* § 1.126, the Commission may dismiss, with or without prejudice, any proceeding under such conditions and for such reasons as are found to be just and reasonable, including failure to prosecute and moot question or obsolete petition
4. Pursuant to the facts set out in Finding of Fact No. 4, and the provisions of 16 *Tex. Admin. Code Ann.* § 3.73 (2010) the compliant in this proceeding is moot.
5. Pursuant to Finding of Fact No. 4(c), Supreme has indicated that it no longer seeks to prosecute this proceeding.

IT IS THEREFORE ORDERED that under the facts and circumstances of this case, this case is hereby **DISMISSED**.

This Order will not be final and effective until 20 days after a party is notified of the Commission’s order. A party is presumed to have been notified of the Commission’s order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order shall be subject to further action by the Commission. Pursuant to Tex. Gov’t Code §2001.146(e), the time allotted for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law, is hereby extended until 90 days from the date the order is served on the parties.

All requested findings of fact and conclusions of law which are not expressly adopted herein are denied. All pending motions and requests for relief not previously granted or granted herein are denied.

SIGNED this 8th day of March, 2011.

RAILROAD COMMISSION OF TEXAS



CHAIRMAN ELIZABETH A. JONES

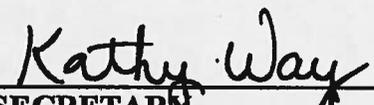


COMMISSIONER MICHAEL L. WILLIAMS



COMMISSIONER DAVID PORTER

ATTEST:



SECRETARY