

Rule 3.65 – Critical Designation of Natural Gas Infrastructure

- Operators are not required to submit any filings pursuant to Rule 3.65 until the rule becomes effective on December 20, 2021. The deadline to submit the first filing is January 15, 2022.
- If designated in Rule 3.65(b)(1) as a Critical Gas Supplier, Operators must complete the **Form CI-D and CI-D Attachment** and submit to the RRC. Facilities designated in Rule 3.65(b)(1) as a Critical Gas Supplier are:
 - 1) gas wells producing gas in excess of 15 Mcf/day;
 - 2) oil leases producing casinghead gas in excess of 50 Mcf/day;
 - 3) gas processing plants;
 - 4) natural gas pipelines and pipeline facilities including associated compressor stations and control centers;
 - 5) local distribution company pipelines and pipeline facilities including associated compressor stations and control centers;
 - 6) underground natural gas storage facilities;
 - 7) natural gas liquids transportation and storage facilities; and
 - 8) saltwater disposal facilities including saltwater disposal pipelines.
- The Form CI-D and CI-D Attachment must be submitted to the RRC. Operators can file through RRC Online beginning December 20, 2021 (the effective date of Rule 3.65). Please reference the Form CI-D Instructions for details regarding how an Operator may sign up for RRC Online if the Operator does not already have an authenticated username. Operators that do not wish to utilize RRC Online may email the Form CI-D and CI-D Attachment before the January 15, 2022 deadline to FormCID@rrc.texas.gov. The RRC encourages all operators to sign up for RRC Online. The RRC encourages all operators to carefully read the Form CI-D Instructions while completing and before submitting the Form CI-D and CI-D Attachment.
- An Operator that has facilities that are designated as both critical Gas Suppliers (Rule 3.65(b)(1)) and Critical Customers (Rule 3.65(b)(2)) because the facilities require electricity from an electric utility to operate must **also provide the Form CI-D and CI-D Attachment to its electric utility/utilities** prior to or at the same time as filing with the RRC. The Public Utility Commission of Texas' (PUCT) critical infrastructure rule (16 Tex. Admin. Code §25.52) provides direction regarding how to file the Form CI-D and CI-D Attachment via e-mail with an electric utility.

Note: Facilities that are designated as Critical Gas Suppliers only—meaning facilities that do not utilize electricity from an electric utility for operations—do not have to provide the Form CI-D and CI-D Attachment to any entity or person other than the RRC.
- A facility that is designated as Critical Gas Supplier in Rule 3.65(b)(1) that an Operator believes should not be designated as critical may apply for a critical designation exception pursuant to subsection (f) of Rule 3.65. An Operator requesting a critical designation exception must complete the **Form CI-X and CI-X Attachment** and submit to the RRC. Such an applicant must include objective evidence of a reasonable basis and justification to support the application. There are certain facilities that are not eligible for an exception pursuant to Rule 3.65(e). An Operator should not complete the Form CI-X or CI-X Attachment for any of the following facilities:
 - 1) a facility included on the electricity supply chain map produced by the Texas Electricity Supply Chain Security and Mapping Committee;
 - 2) gas wells or oil leases producing gas or casinghead gas in excess of 250 Mcf/day;
 - 3) gas processing plants;
 - 4) natural gas pipelines or pipeline facilities that directly serve local distribution companies or electric generation;
 - 5) local distribution company pipelines or pipeline facilities;
 - 6) underground natural gas storage facilities;
 - 7) natural gas liquids storage and transportation facilities; and
 - 8) a saltwater disposal facility, including a saltwater disposal pipeline, that supports a facility listed in (1) through (7) above.
- The Director of the RRC's Critical Infrastructure Division may administratively approve or deny a request for exception. If denied, the Operator may request a hearing. The Operator shall have the burden of proof at the hearing.
- Similar to the Form CI-D and CI-D Attachment, the Form CI-X and CI-X Attachment may be submitted to the RRC by filing through RRC Online beginning December 20, 2021 (the effective date of Rule 3.65). Operators that do not wish to utilize RRC Online may email the Form CI-X and CI-X Attachment before the January 15, 2022, deadline to FormCIX@rrc.texas.gov. The RRC encourages all operators to carefully read the Form CI-X Instructions while completing and before submitting the Form CI-X and CI-X Attachment.