

Clearinghouse Rule 06-106

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Natural Gas Safety Rules - Adoption of Federal Codes

1-AC-219

NOTICE OF HEARING

Hearing Date:	Monday, October 16, 2006, 9:00 a.m.
Hearing Location:	Public Service Commission, 610 North Whitney Way, Madison, WI

Comments Due: Friday, October 27, 2006 – Noon	Address Comments To: Sandra J. Paske, Secretary to the Commission Public Service Commission P.O. Box 7854 Madison, WI 53707-7854 FAX (608) 266-3957
FAX Due: Thursday, October 26, 2006 – Noon	

The Commission proposes an order to amend PSC 135.019(3) to incorporate by reference recent changes to the federal pipeline safety regulations.

**ANALYSIS PREPARED BY THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Statutory authority: ss. 196.02(1) and (3), 196.745 and 227.11, Stats.
Statute interpreted: s. 196.745

Under an agreement with the federal Department of Transportation, Office of Pipeline Safety, the Commission is authorized to enforce federal natural gas pipeline safety requirements as set out in the Code of Federal Regulations, 49 CFR Parts 192, 193, and 199. As part of the agreement, the Commission agrees to adopt those parts of the federal code that apply to pipeline safety. The state adopts the federal pipeline safety code in Wis. Admin. Code s. PSC 135.019. The Commission last promulgated revisions to s. PSC 135 in 2003. Since then, the federal DOT has adopted several final rules which revise the pipeline safety code. These changes include:

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Federal Amendment 192-94, relating to consensus industry standards and various technical standards. This rule took effect July 14, 2004.

Federal Amendment 192-95, relating to pipeline integrity management in high consequence areas. This rule took effect on January 14, 2004.

Federal Amendment 192-96, relating to the operation and capacity of existing pressure limiting and regulating stations on gas pipelines, and establishing an appropriate pressure limit. This rule took effect on September 14, 2004.

Federal Amendment 192-97, relating to transmission lines accommodating the passage of internal inspection devices. This rule took effect on July 28, 2004.

Federal Amendment 192-98, relating to periodic underwater inspections of pipeline facilities located in the Gulf of Mexico and its inlets in waters less than 15 feet deep.¹ This rule took effect on September 9, 2004.

Federal Amendment 192-99, relating to the requirements for pipeline operators to develop and implement public awareness programs. This rule took effect June 20, 2005.

Federal Amendment 192-100, relating to programs conducted by operators of gas and hazardous liquid pipelines to qualify individuals who perform certain safety-related tasks on pipelines. This rule took effect July 1, 2005.

TEXT OF PROPOSED RULE

SECTION 1. PSC 135.019 (1) is amended to read:

PSC 135.019 (1) The federal department of transportation, office of pipeline safety, pipeline safety standards, as adopted through ~~November 25, 2003~~ [reviser inserts date], and incorporated in 49 CFR Parts 192, 193 and 199, including the appendices, are adopted as state pipeline safety standards and incorporated by reference into this chapter.

SECTION 2. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

(end)

INITIAL REGULATORY FLEXIBILITY ANALYSIS

This rulemaking will not affect any small businesses.

¹ This rule would be adopted because it could be expanded to include the great lakes navigable waters in the future.

FISCAL ESTIMATE

These rule changes have no fiscal impact. A completed Fiscal Estimate form is included as Attachment A. There is also no financial impact on the private sector.

NOTICE OF HEARING

NOTICE IS GIVEN that pursuant to s. 227.16(2)(b), Stats., the commission will hold a public hearing on these proposed rule changes in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin, on Monday October 16, 2006 at 9:00 a.m. This building is accessible to people in wheelchairs through the Whitney Way (lobby) entrance. Handicapped parking is available on the south side of the building.

WRITTEN COMMENTS

Any person may submit written comments on these proposed rules. The hearing record will be open for written comments from the public, effective immediately, and until Friday October 27, 2006, at noon (Thursday, October 26, 2006, at noon, if filed by fax). All written comments must include a reference on the filing to docket 1-AC-219. File by one mode only.

Industry: File comments using the Electronic Regulatory Filing system. This may be accessed from the Commission's website psc.wi.gov.

Members of the Public:

If filing electronically: Use the Public Comments system or the Electronic Regulatory Filing system. Both of these may be accessed from the commission's website psc.wi.gov.

If filing by mail, courier, or hand delivery: Address as shown in the box on page 1.

If filing by fax: Send fax comments to (608) 266-3957. Fax filing cover sheet **MUST** state "Official Filing," the docket number 1-AC-219, and the number of pages (limited to 25 pages for fax comments).

CONTACT PERSON

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Questions regarding this matter should be directed to Tom Stemrich at (608) 266-2800. Media questions should be directed to Linda Barth, Director of Governmental and Public Affairs at (608) 266-9600. Hearing or speech-impaired individuals may also use the Commission's TTY number, if calling from Wisconsin (800) 251-8345, if calling from outside Wisconsin (608) 267-1479.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to get this document in a different format should contact Tom Stemrich, as indicated in the previous paragraph, as soon as possible.

Dated at Madison, Wisconsin September 13, 2006

By the Commission:

/s/ Sandra J. Paske

Sandra J. Paske
Secretary to the Commission

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2005 Session

LRB or Bill No./Adm. Rule No.
Ch. PSC 135 – 1-AC-219

Amendment No. if Applicable

ORIGINAL UPDATED

FISCAL ESTIMATE

DOA-2048 N(R10/96)

CORRECTED SUPPLEMENTAL

Subject

Amend PSC Rules on Pipeline Safety to Include by Reference Recent Changes in Federal Rules.
 Docket 1-AC-219

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb Within Agency's Budget Yes No

- Increase Existing Appropriation Increase Existing Revenues
- Decrease Existing Appropriation Decrease Existing Revenues
- Create New Appropriation

Decrease Costs

Local: No local government costs

1. Increase Costs
- Permissive Mandatory
2. Decrease Costs
- Permissive Mandatory

3. Increase Revenues
- Permissive Mandatory
4. Decrease Revenues
- Permissive Mandatory

5. Types of Local Governmental Units Affected:
- Towns Villages Cities
 - Counties Others _____
 - School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

20.155 (1) (g)

Assumptions Used in Arriving at Fiscal Estimate

The proposed rule changes incorporate six recent Federal Rule Amendments into Ch. PSC 135 that primarily relate To gas and hazardous liquid pipeline operators. Because these Federal Rules are already in existence and applicable to operators this incorporation of those rules places no additional fiscal or program requirements on the operators.

Long-Range Fiscal Implications

NONE

Agency/Prepared by: (Name & Phone No.)
 Gordon Grant 267-9086

Authorized Signature/Telephone No.
 Gordon Grant

Date
 5/24/2006