Clearinghouse Rule 10-124

BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

Updates to Ch. 135, Wis. Admin. Code, Relating to Natural Gas Pipeline Safety, Including Updates to the State Additions to the Pipeline Safety Code — 1-AC-214

NOTICE OF HEARING

Hearing Date:	**Tuesday, December 7, 2010 – 1:00 p.m.**
Hearing Location:	**Public Service Commission, 610 North Whitney Way, Madison, WI**

Comments Due:	Address Comments To:
Tuesday, December 21, 2010 – Noon	Sandra J. Paske, Secretary to the Commission Public Service Commission of Wisconsin P.O. Box 7854
FAX Due:	Madison, WI 53707-7854
Monday, December 20, 2010 – Noon	FAX (608) 266-3957

The Public Service Commission of Wisconsin proposes an order to repeal PSC 135.019 (3), 135.055, 135.173, 135.183 (dw), 135.195 (4w) (i), 135.279, 135.323, 135.371 (aw) (2), 135.375, 135.379, 135.727 (gw) (intro.) and (2), and 135.753; renumber PSC 135.011, 135.013 (1), 135.014 (3), 135.017, 135.019 (2), 135.199 (2) (hw), 135.321 (fw), (hw) (intro.), (1), (2) and (4), 135.457 (dw), 135.727 (gw) (3) and 135.747 (bw); renumber and amend PSC 135.012, 135.13 (2) to (4), 134.014 (1) (intro.), (a) and (b), and (2), 135.015, 135.016, 135.019 (title), (1) and (4), 135.181, 135.183 (ew), 135.197 (fw), 135.199 (2) (iw), 135.321 (gw), (hw) (2) and (3), and (iw), 135.325 (bw), 135.365 (bw), 135.371 (aw) (intro.) and (1), 135.614 (dw), 135.621 (1) and (2), 135.713 (4w). 135.723 (cw) (1) to (4) and (6), 135.727 (gw) (1), and 135.747 (aw) and (cw); amend PSC 135.053 (1) and (2), 135.125, 135.163 (1) and (2), 135.171, 135.181 (title), 135.189 (1), 135.195 (4w) (v), 135.197 (dw), 135.199 (1), 135.204, 135.246 (b) to (d) (intro.) and (d) (3), 135.307, 135.309, 135.319 (1) to (3), 135.324, 135.325 (title), 135.355 (1) (aw) (1), 135.365 (title), 135.511, 135.613, 135.623, 135.629, 135.707, 135.713 (intro.), 135.722, 135.723 (cw) (intro.), (5) and (7), 135.724w, 135.727 (intro.),135.744 and 135.747 (intro.); repeal and recreate 135.197 (ew); create 135.0002 (1) (title) and (2) (a) and (b), 135.0004 (2) and (3), 135.0009, 135.0010 (title), (1) (b), and (2) to (4), 135.001, 135.003, 135.013, 135.161, 135.181 (1), 135.195 (dw) and (ew), 135.197 (fw), 135.199 (2) and (3) (jw), 135.225, 135.227, 135.273,

135.305, 135.321 (2) (intro.), 135.325 (brw), 135.327, 135.351, 135.353, 135.355 (1) (aw) (intro.) and (1), 135.361, 135.365 (brw), note following 135.457 (cw), 135.461, 135.465, 135.481, 135.503, 135.506w, 135.517, 135.605, 135.614 (2), 135.615, 135.705, 135.706, 135.720, 135.721, 135.722w (a) and (b), and 135.723 (cw) (1) (ii), (2) (ii) and (iii), (3) (ii), (4) (ii), (6) (ii), (hw) (1), (2), and (3) (ii), 135.741 (ew), 135.747 (fw) and 135.749, relating to the natural gas pipeline safety code, including updates to the state additions to the federal pipeline safety code.

ANALYSIS PREPARED BY THE PUBLIC SERVICE COMMISSION OF WISCONSIN

The analysis is set forth as Attachment A.

TEXT OF PROPOSED RULE

The text of the proposed rule is set forth as Attachment B.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

This rulemaking will affect three small gas utilities. Each of these has revenues in excess of $5 million but has 25 or fewer employees. It will also affect many master meter system operators. The contract between the federal department of transportation and the PSC requires that treatment be uniform across the state and across gas pipeline operators. As a result, the PSC cannot make special provisions for small business.

FISCAL ESTIMATE

There will be no appreciable increase in costs to any governmental body, small business, or gas pipeline operator as a result of this rulemaking. Fiscal information is included as Attachment C.

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 Tuesday, December 7, 2010, at 1:00 p.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 Tuesday,

December 21, 2010, at noon (Monday, December 20, 2010, at noon, if filed by fax). All written comments must include a reference on the filing to docket 1-AC-214. File by one mode only. **Industry**: File comments using the Electronic Regulatory Filing (ERF) system. This may be accessed from the commission's website, at www.psc.wi.gov.

Members of the Public:

If filing electronically: Use the Public Comments system or the Electronic Regulatory Filing system. Both of these systems may be accessed from the commission's website, at www.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. The fax filing cover sheet MUST state "Official Filing," the docket number 1-AC-214, and the number of pages (limited to 25 pages for fax comments).

CONTACT PERSONS

Questions regarding this matter should be directed to Tom Stemrich, Program Manager for Pipeline Safety, at (608) 266-2800, or at tom.stemrich@wisconsin.gov. Small business questions may be directed to Anne Vandervort at (608) 266-5814, or at anne.vandervort@wisconsin.gov. Media questions should be directed to Teresa Weidemann-Smith, Communications Specialist, 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, use (800) 251-8345; if calling from outside Wisconsin, use (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 receive this document in a different format should contact the docket coordinator, as indicated in the previous paragraph, as soon as possible.

Dated at Madison, Wisconsin October 27, 2010

By the Commission,

/s/ Sandra J. Paske

Sandra J. Paske
Secretary to the Commission

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ANAYSIS PREPARED BY THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

A. Statutory Authority and Explanation of Authority

This rule is authorized under ss. 196.02 (1) and (3), 196.745 (1) (a), and 227.11.

Section 227.11 authorizes agencies to promulgate administrative rules. Section 196.02 (1) authorizes the Commission to do all things necessary and convenient to its jurisdiction. Section 196.02 (3) grants the Commission specific authority to promulgate rules. Section 196.745 (1) (a) grants the Commission specific authority to adopt rules requiring that the construction and operation of gas facilities be done in a reasonably adequate and safe manner.

B. Statute Interpreted

This rule interprets s. 196.745, Stats., and, under a contract with the U.S. Department of Transportation, Office of Pipeline Safety, the federal pipeline safety regulations (49 CFR 190 to 199).

C. Related Statutes or Rules

The federal pipeline safety statutes may be found in 49 USC 60101 to 60133. The federal pipeline safety regulations may be found in 49 CFR 190 to 199. Under an agreement with the U.S. Department of Transportation, Office of Pipeline Safety, the commission enforces the federal pipeline safety regulations for Wisconsin's natural gas pipeline operators, primarily public utilities. Under this agreement, the commission has the authority to make additions to the federal code that are more stringent than the federal standards.

Chapter PSC 134 is the rule that deals with gas service standards. That rule also has some requirements concerning safe interactions between pipeline operators and their customers.

D. Summary and Analysis of the Rule

The rulemaking in this docket relates to adoption of the federal natural gas pipeline safety code and includes updates to the state additions to the pipeline safety code.

Under an agreement with the U.S. Department of Transportation, Office of Pipeline Safety, the commission enforces the federal pipeline safety regulations for Wisconsin's natural gas pipeline operators, primarily public utilities. Under this agreement, the commission has the authority to make additions to the federal code that are more stringent than the federal standards. The commission in the past has made a number of state additions to the federal code.

Although the commission regularly adopts the federal code revisions, it has been 14 years since a comprehensive review of the state additions to the natural gas pipeline safety regulations has been conducted. Since that time there have been many changes in the gas industry across the country and in Wisconsin.

This rulemaking also incorporates by reference all of the federal code, including changes made since July 1, 2007.

The numbering in this rule can be confusing because it is making insertions into the federal code. As a result, the numbering used for the substantive sections follows federal numbering conventions rather than state. Further, again following federal drafting conventions, when referring to other provisions in a piece of rule language that is being inserted into the federal code, the term "paragraph" is used, whereas under Wisconsin drafting conventions it might be referred to, for example, as "section" or "subdivision." Finally, Subchapter I of the rules has general state provisions rather than additions to the federal code. These are numbered using 4 numbers after the rule number. Subchapter II of the rules has the additions to the federal code. These are numbered using 3 numbers after the rule number. Subchapter I uses 4 numbers because it needs to be numbered lower than the first number in Subchapter II. So, for example, 135.0001 comes before 135.001.

Some changes have been made to bring the rules into current rulemaking format, without making a substantive change. For example, negative statements such as "No utility shall" and "A utility shall not" have been changed to "No utility may" and "A utility may not." These remain mandatory provisions; they have just been converted to current drafting conventions. Further, the existing state additions to the pipeline safety rules have been reviewed and revisions made, where appropriate, to ensure pipeline safety in Wisconsin. Information concerning significant changes to the Wisconsin additions to the federal code include the following:

135.0009 – Whistleblower protection

Under this provision, employers cannot retaliate against employees who "blow the whistle" about safety or the reliability of any portion of the gas system.

135.0010 – Filing requirements and maintenance of records

Part of this provision was moved from PSC s. 135.019(4). Under this provision, operators must file manuals, and updates to those manuals, with the commission.

Operators must also keep records and manuals in Wisconsin. It is sufficient to have computer access to some records.

Also, each operator must provide the commission with a list of customers that it believes may be master meter operators. This assists the commission in its inspections and allows the commission to open communication with these master meter operators to ensure that they are aware of the safety regulations they must follow.

135.001 – Scope of part addition

This change clarifies that all gathering lines that operate under pressure are within the commission's jurisdiction.

135.003 – Definition additions

Six definitions were added:

Acceptable leak detection device The definition is created rather than having the full description included in multiple places in the rule language.

Business district – This is added to clarify the phrase.

Commission – This is added as a "shorthand" way of referring the public service commission.

Distribution center – This is added to aid in defining transmission lines, the definition for which uses this previously undefined term.

Master meter system – This incorporates the federal definition and adds a clarification that is in line with the current federal enforcement policy.

Qualified person – This is added to clarify the phrase.

135.013 – General additions

Under this provision, utilities must conduct certain surveys of master meter operator systems and master meter system operators must have certain repairs done. This will aid in inspections and commission work with master meter operators. It will also increase public safety. The requirement is intended to attach to the facility, not the owner. So, if a utility performs inspections of a facility and then the facility is sold, the utility does not have to do them again for the new owner.

135.055 – Steel pipe addition

This was deleted as the process mentioned is no longer used to make steel.

135.103 – General addition

Cast iron pipes present a major leak problem due to frost heave. Except for maintenance of old mains, no new cast iron pipe has been installed since the 1950s. This provision has been changed to state that operators may no longer install or operate cast iron pipe. It specifically refers to pipe and does not prohibit the installation or use of cast iron components such as valves and fittings.

135.161 – Supports and anchors addition

Under this provision, builders must use non-combustible materials when constructing regulator station buildings. This matches a requirement that already exists for compressor stations. This provision ensures greater safety in case of a fire at a regulator station.

135.173 – Compressor stations: ventilation addition

This was deleted as unnecessary because it is now covered by other local, state and federal codes.

135.181 – Distribution line valves additions

(1) This provision will ensure that relighting occurs in a timely manner after an outage occurs. There is a federal requirement that valves be placed to assist in a quick shutdown. In Wisconsin, due to the winters, it is also important to have guidelines for quick relighting.

(2) This change removes as unnecessary a decades-old grandfather clause.

135.195 – Protection against accidental overpressuring additions

(4w)(i) This was deleted as unnecessary because these devices are no longer used.

(dw) This was added to ensure that the gas system operates during flood emergencies.

(ew) This was added to ensure that there is no overpressuring in case of monitoring regulator failure.

135.197 – Control of the pressure of gas delivered from high-pressure distribution systems additions

(fw) Under this provision, operators are required to have a monitor that indicates when a service regulator fails so that the operator knows there is no overpressure protection there. This is required immediately for new installations, and provides 10 years for existing regulators.

(gw) This provision is necessary given the climate and conditions in Wisconsin.

135.199 – Requirements for design of pressure relief and limiting devices additions

(2)(gw) This adds a standard for venting gas into the atmosphere in a safe manner and in a manner that helps prevent tampering.

(jw) This language clarifies that the provision only applies to district regulator stations, not all regulator stations. Operators with district regulator stations using the operator monitor form of regulation must provide a method to indicate the failure of the operating regulator, and must check district regulator monitors once a month.

135.225 – Welding procedures addition and 135.227 – Qualification of welders

These provisions eliminate Appendix C of 49 CFR 192 and section IX of the ASME Boiler and Pressure Vessel Code as options for qualifying welders. Instead, the rule requires welders to be qualified under requirements developed specifically for pipeline welders.

135.273 – General

This provision prohibits the use of a compression-style coupling to join steel pipe during initial construction or as a permanent repair.

135.279 – Copper pipe addition

This provision is eliminated as unnecessary because the type of piping addressed is no longer used.

135.305 – Inspection General

This provision clarifies current inspection standards.

135.323 – Casing addition

This provision about casings is deleted because it is redundant.

135.325 – Underground clearance additions

This provision applies the same underground clearance standard to mains that currently exists for transmission lines. It also clarifies that a building may not be put over an existing in-service main or transmission line. Currently, the provision only states that a line cannot be put beneath a building.

135.327 – Cover additions

Under this provision, an operator must ensure that code-required coverage of mains and transmission lines is maintained when a road is reconstructed.

135.351 – Scope additions

Under this provision, an operator must have written procedures for the installation and inspection of service lines, regulators and meters.

135.353(aw) – Customer meters and regulators: location addition

Under this provision, for a new installation an operator must install a meter outside and as close as possible to the building wall, unless doing so is physically impracticable.

135.361 – Service lines: installations additions

This provision applies the 12-inch clearance requirement to service lines and requires that the code-required coverage is maintained when a road is reconstructed.

135.365 – Service lines: location of valves additions

This provision clarifies when an operator must have an outside valve in a readily accessible location and when an operator must install an underground service valve as close as possible to the main.

135.375 – Service lines: plastic addition

This provision has been deleted because it is redundant. It is in the federal code now.

135.379 – New service lines not in use additions

Under this provision, an operator may not turn on gas service until a customer is ready to use it.

135.461 – External corrosion control: protective coating addition

Under this provision, where appropriate given soil conditions, an installer must use a current drain test to inspect a coating after using a boring, driving or similar installation method.

135.465 – External corrosion control: monitoring addition

Under this provision, an operator must take remedial action within 12 months of discovering problems within the cathotic protection system.

135.481 – Atmospheric corrosion control: monitoring addition

Under this provision, an operator must take remedial action within 12 months of discovering atmospheric corrosion. This change is made because, generally, pipeline repairs must be made by the next reporting cycle. While in many cases this is 12 months, atmospheric corrosion inspections only take place every 3 years. This is too long to wait for repairs to be made, so 12 months was chosen.

135.503 – General requirements additions

Under this provision, an operator must pressure test all pipelines to a minimum of 90 p.s.i.g., unless federal law requires more stringent testing.

135.506 – Strength test requirements for steel pipeline

This provision lowers the minimum test pressure for transmission lines from 90% of system maximum yield strength to 85%. Prefabricated assemblies and station piping are exempted from the testing requirement.

135.511 – Test requirements for service lines addition

This provision increases the minimum test pressure to 90 p.s.i. for reinstated service lines.

135.517 – Records additions

Under this provision, an operator must include the test date on each test record and keep the records as long as the pipeline is in service.

135.605 – Procedural manual for operations, maintenance and emergencies

Under this provision, operators must have a written quality control procedure for evaluating third parties performing operation and maintenance activities.

135.613 – Continuing surveillance additions

This change reduces the requirement for surveying when repaving to allow a recent prior test to suffice as the leakage survey. It also ends the requirement that property abutting streets be tested.

135.614 – Damage prevention program addition

Under this provision, all operators must report damage to a national central body (Common Ground Alliance), and information so reported must be available to the commission upon request.

135.615 – Emergency plans

Under this provision, an operator must respond immediately to reports of carbon monoxide. Also, an operator must meet different emergency response times for higher and lower density areas, and a report to the commission is required when response times significantly exceed the specified times.

135.623 – Maximum allowable operating pressure: low−pressure distribution systems addition

Under this provision, beginning in 2015 an operator may not operate a low-pressure distribution system.

135.705 – Transmission lines: patrolling additions

Under this provision, operators must clear and maintain transmission line rights-of-way.

135.706 – Transmission lines: leakage

Under this provision, all leak surveys of all transmission lines in all class locations must be conducted using an acceptable leak detection device. A vegetation survey is not acceptable.

135.707 – Line markers for mains and transmission lines addition

Under this provision, an operator must place a transmission line marker every quarter mile outside of urban areas.

135.721 – Distribution systems: patrolling addition

Under this provision, a utility must perform a hazard survey every three years if it is using an automated meter reading system. The utility must conduct that survey in a different year than the leak survey or atmospheric corrosion survey.

135.722 – Distribution mains: markers

Under this provision, an operator must place distribution main markers every quarter mile outside of urban areas.

135.723 – Distribution systems: leakage surveys additions

This provision clarifies leak survey requirements and requires that an operator perform a leak survey every 3 calendar years when an automated meter reading system is being used. It also specifies that a vegetation survey is not a sufficient leak survey.

135.724w – Further leakage survey after repair of leak

This provision specifies the time limit for performing a further check in an area after repairing a leak.

135.727 – Abandonment or deactivation of facilities addition

Under this provision, an operator must abandon facilities that have not been used for a certain period of time.

135.741 – Pressure limiting and regulating stations: telemetering or recording gauges addition

Under this provision, an operator must perform monthly examinations of regulators or monitors used as district regulators.

135.744w – Service regulators and associated safety devices: inspection and testing

Under this provision, an operator must test regulators upon installation and when a meter is changed or tested. If there are 2, then the operator must test each one.

135.747 – Valve maintenance: distribution systems addition

Under this provision, operators must partially operate distribution emergency valves, whether or not they are plastic, when inspecting. Once every five years, operators must inspect valves not inspected under a particular federal regulation.

135.753 – Caulked bell and spigot joints addition

This provision has been deleted as unnecessary because it applies to cast iron pipes, which are no longer allowed.

E. Comparison with Existing or Proposed Federal Regulations

The federal pipeline safety statutes may be found in 49 USC 60101 to 60133. The federal pipeline safety regulations may be found in 49 CFR 190 to 199.

Under an agreement with the US Department of Transportation, Office of Pipeline Safety, the commission enforces the federal pipeline safety regulations for Wisconsin's natural gas operators. As a result, the commission is required to, and has adopted, the federal pipeline safety regulations. Under the agreement with the Office of Pipeline Safety, the commission has the authority to make additions to the federal code that are more stringent than the federal standards. The commission has made a number of state additions to the federal code.

F. Comparison with Similar Rules in Adjacent States

Adjacent states have also adopted the federal pipeline safety code. Minnesota has not made any state additions. Iowa has made two small additions, but they are not on topics where Wisconsin has done additions. Michigan has many additions, although they are predominantly in areas where Wisconsin has not done additions. Illinois has mostly service rules rather than pipeline safety rules. However, Wisconsin is not alone in having a number of additions to the federal code. Other states, such as Florida, South Carolina, Missouri, and Kentucky all have quite a few additions.

With the exception of Iowa, however, surrounding and nearby states have a higher number of pipeline incidents than Wisconsin. Wisconsin has 0.000352 incidents per mile of pipeline, Illinois has 0.000527, Minnesota has 0.000752, Michigan has 0.000762, and Ohio has 0.000587.

G. Effect on Small Business

This rulemaking will affect three small gas utilities. Each of these has revenues in excess of $5 million but has 25 or fewer employees. The contract between the federal department of transportation and the PSC requires that treatment be uniform across the state and across gas pipeline operators. As a result, the PSC cannot make special provisions for small business.

H. Comments

Comments on this rule may be submitted as outlined in the Notice of Hearing.

I. Accommodation

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 receive this document in a different format should contact the Docket Coordinator, as indicated in the previous paragraph, as soon as possible.

J. Agency Contacts

Questions regarding this matter should be directed to Tom Stemrich, Program Manager for Pipeline Safety, at (608) 266-2800, or at tom.stemrich@wisconsin.gov. Small business questions may be directed to Anne Vandervort at (608) 266-5814, or anne.vandervort@wisconsin.gov. Media questions should be directed to Teresa Weidemann-Smith, Communications Specialist, 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, use (800) 251-8345; if calling from outside Wisconsin, use (608) 267-1479.

TEXT OF PROPOSED RULE

SECTION 1. PSC 135.0002 (1) (title) is created to read:

PSC 135.0002 (1) (title) APPLICABILITY.

SECTION 2. PSC 135.0002 (2) (a) and (b) are created to read:

PSC 135.0002 (2) (a) Impracticable. In particular cases where provisions of this chapter can be shown to be impracticable for special reasons.
(b) Greater advantage. Where the advantage of uniformity with existing construction is greater than the advantage of construction in compliance with the rules, providing the existing construction is reasonably safe or if equivalent or safer construction is secured in other ways.

SECTION 3. PSC 135.0004 (2) and (3) are created to read:

PSC 135.0004 (2) Any facilities known to be defective so as to endanger life or property shall be promptly repaired, permanently disconnected, or isolated until repairs can be made.
(3) Construction, repairs, additions, and changes to gas transmission and distribution facilities shall be made by qualified persons only.

SECTION 4. PSC 135.0009 is created to read:

PSC 135.0009 **Whistleblower protection. (1)** No operator may interfere with, restrain, or coerce any employee or other person in the exercise of the right to disclose information to the commission or other governmental body regarding the safety and reliability of any portion of the gas system, provided that the employee or other person reasonably believes that such information is true.
(2) No operator may dismiss, discipline, demote, transfer, reprimand, harass, reduce the pay of, discriminate against, or otherwise retaliate against any employee or other person because that person engaged in any of the activities described in sub. (1).

SECTION 5. PSC 135.0010 (title), (1) (b), and (2) to (4) are created to read:

PSC 135.0010 **Filing requirements and maintenance of records.**

(1) (b) Each change in a manual shall be filed with the commission within 20 days after the change is made.
(2) Each operator shall provide the commission, by March 1 of every year, a list of all customers that it believes may be master meter system operators.
(3) All manuals required under 49 CFR 192, 193, 199 and this chapter shall be kept in Wisconsin at a location reported to the commission. This requirement can be met by having manuals stored on a computer in another state as long as the operator has a computer in Wisconsin on which such information can be seen.
(4) The originals of all records required under 49 CFR 192, 193 and this chapter shall be kept in Wisconsin at a location reported to the commission.

SECTION 6. PSC 135.001 and 135.003 are created to read:

PSC 135.001 **Scope of part addition [49 CFR 192.1].** After 49 CFR 192.1 (b), insert:

135.001 (cw) Notwithstanding the requirements of 49 CFR 192.1 (b) (4), all gathering lines within the state that operate under pressure shall meet the requirements of this chapter and 49 CFR 192.

PSC 135.003 **Definition additions [49 CFR 192.003].** In the appropriate alphabetical order in 49 CFR 192.3, insert:

(aw) "Acceptable leak detection device" or "acceptable leak detection equipment" means a continuous-sampling instrument capable of detecting and measuring combustible gas in air concentrations of 100 parts per million when operated and maintained in accordance with the manufacturer's written instructions.

(bw)"Business district" means an area where the primary use of the buildings is business or commerce.

(cw) "Commission" means the public service commission.

(dw) 1. "Distribution center" means the geographic area downstream of the first point at which one or more of the following conditions exist for any operator:

a. The point of pressure regulation is at least the second point of pressure regulation downstream of the supplier's meter station, disregarding any pressure regulation at the delivery point.

b. The pipeline downstream is 6 inches or less in nominal diameter.

c. The pipeline downstream has a MAOP of less than 300 p.s.i.g.

2. For purposes of making the determination in subd. 1., pipelines shall be considered on a segmented basis.

(ew) "Master meter system" means a gas pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system that supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as rents. "Master meter system" does not include a single meter serving a single multi-unit building.

(fw) "Qualified person" has the meaning given in 49 CFR 192.803.

SECTION 7. PSC 135.011 is renumbered 135.0003.

SECTION 8. PSC 135.012 is renumbered 135.0004 (1), and amended to read:

PSC 135.0004 (1) All facilities shall be cleaned when necessary and inspected at such intervals as experience has shown to be necessary. ~~Any facilities known to be defective so as to endanger life or property shall be promptly repaired, permanently disconnected, or isolated until repairs can be made. Construction, repairs, additions, and changes to gas transmission and distribution facilities shall be made by qualified persons only.~~

SECTION 9. PSC 135.013 (1) is renumbered 135.0002 (1).

SECTION 10. PSC 135.013 (2) is renumbered 135.0002 (2) (intro.), and amended to read:

PSC 135.0002 **(2)** (intro.) WAIVING RULES. The provisions of this chapter may be modified or waived by the ~~public service~~ commission, unless doing so is prohibited under federal law. They may be so modified or waived ~~in particular cases wherever shown to be impracticable for special reasons, or where the advantage of uniformity with existing construction is greater than the advantage of construction in compliance with the rules providing the existing construction is reasonably safe or if equivalent or safer construction is secured in other ways.~~ under either of the following circumstances:

SECTION 11. PSC 135.013 (3) is renumbered 135.0002 (3), and amended to read:

(3) (a) (title) Modifications and waivers. It may sometimes be necessary to modify or waive certain of the provisions in this chapter in case of temporary installations or installations which are shortly to be dismantled or reconstructed. Such temporary construction may be used for a reasonable length of time without fully complying with

this chapter, unless doing so is prohibited under federal law, provided it is under competent supervision while it or adjoining equipment is under pressure or if it is protected by suitable barriers or warning signs when accessible to any person~~, without fully complying with this chapter~~; but all such construction shall be made reasonably safe.

SECTION 12. PSC 135.013 (4) is renumbered 135.0002 (3) (b), and amended to read:

PSC 135.0002 **(3)** (b) Emergency. In case of emergency or pending decision of the ~~public service~~ commission, the person responsible for ~~the~~ an installation under par. (a) may decide ~~as to modification or waiver of~~ to modify or waive any rule or order, subject to review by the ~~public service~~ commission.

SECTION 13. PSC 135.013 is created to read:

PSC 135.013 **What general requirements apply to pipelines regulated under this part: additions [49 CFR 192.13]. (1)** After 49 CFR 192.13 (c), insert:

(dw) (1) Upon written request by a master meter system operator, it shall be the responsibility of the master meter system operator's gas utility to perform, twice, at no cost, any and all leakage and cathodic protection surveys required by this part. The utility shall provide copies of the results of the applicable surveys to the master meter system operator and the commission.
(2) The master meter system operator shall be responsible for performing any and all repairs required as a result of the surveys under par. (1). Upon written request by the master meter system operator, the gas utility shall perform, or contract to have a third party perform, the repairs required by the surveys under par. (1). These repairs may be billed to the master meter system operator by the utility on an actual cost basis.
(3) If the master meter system operator fails to have the required surveys completed, or declines to do required repairs, the master meter system operator's gas service may be disconnected by the gas utility for the reasons under ss. PSC 134.062 (3) and (4), and 134.0622 (3) and (4), or shall be disconnected at the request of the commission's pipeline safety program manager.
(4) The surveys under par. (1) need not be performed again if ownership of the system changes.

SECTION 14. PSC 135.014 (1) (intro.), (a) and (b), and (2) are renumbered 135.0005 (1) (intro.), (a) and (b), and (2), and amended to read:

PSC 135.0005 **Protection of gas pipeline facilities. (1)** ~~A gas pipeline~~ An operator, upon receiving notice as provided in s. 66.0831 or 182.0175 (2m), Stats., of work which may affect its facilities used for serving the public shall:

(a) If the notice is of work covered by s. 66.0831, Stats., investigate and decide what action, if any, must reasonably be taken to protect or alter utility facilities in order to protect service to the public and to avoid unnecessary damage. The ~~gas pipeline~~ operator shall take such action as is reasonably necessary to protect, remove, alter, or reconstruct its facilities, and shall perform such work with reasonable dispatch taking into account the conditions to be met. Nothing in this paragraph shall affect any right which the ~~gas pipeline~~ operator may have to require advance payment or adequate assurance of payment of reasonable costs to the ~~gas pipeline~~ operator by the property owner or contractor.

(b) If the notice is of work covered by s. 182.0175 (2m), Stats., and is not covered by s. 66.0831, Stats., the ~~gas pipeline~~ operator shall respond as required by s. 182.0175 (2m), Stats.

(2) The ~~gas pipeline~~ operator may, in order to protect its interests, require that the owner or contractor perform certain work upon that part of the service piping or wiring on or being removed from the property upon which the excavating, building, or wrecking operations are being performed.

SECTION 15. PSC 135.014 (3) is renumbered 135.0005 (3).

SECTION 16. PSC 135.015 and 135.016 are renumbered 135.0006 and 135.0007, and amended to read:

PSC 135.0006 **Interference with gas pipeline facilities. (1)** ~~A gas pipeline~~ An operator ~~having~~ doing any work upon, over, along, or under any public street, highway or private property near existing gas pipeline facilities shall give reasonable notice to ~~another~~ affected public ~~utility~~ utilities or ~~operator~~ operators and shall exercise care when working in close proximity to such existing facilities. Sections 66.0831 and 182.0175, Stats., shall be observed where applicable. In all other cases such notice shall provide ~~another~~ affected public ~~utility~~ utilities or ~~operator~~ operators with a reasonable opportunity to protect or alter ~~its~~ their facilities and such work ~~shall~~ may not proceed without an agreement concerning the location and nature of the proposed work.

(2) Nothing in sub. (1) shall prevent ~~a gas pipeline~~ an operator from proceeding as quickly as possible with any emergency construction work which might interfere with existing facilities.

PSC 135.0007 (title) ~~**Leak**~~ **Leakage survey reports.** The federal department of transportation~~, office of pipeline safety,~~ requires each operator of a distribution system or of a transmission system to submit an annual report for the preceding calendar year ~~not later than March 15~~. The operators of such systems in this state shall submit a copy of these reports to the ~~public service~~ commission on or before the filing date ~~as~~ required by the federal regulations. In addition to this annual report, and at the same time, ~~the~~ operators shall report the number of ~~leaks which were found in~~ times there was an unintentional escape of gas from customer-owned facilities ~~by either a survey or complaint~~ during the preceding calendar year.

SECTION 17. PSC 135.017 is renumbered 135.0008.

SECTION 18. PSC 135.019 (title) and (1) are renumbered 135.0001 (title) and (1), and amended to read:

PSC 135.0001 (title) **Adoption of federal minimum pipeline safety standards ~~by reference~~. (1)** The federal department of ~~transportation, office of pipeline safety,~~ transportation's pipeline safety standards, as adopted through ~~July 1, 2007~~ the effective date of these rules …[LRB to insert 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 19. PSC 135.019 (2) is renumbered 135.0001 (2).

SECTION 20. PSC 135.019 (3) is repealed.

SECTION 21. PSC 135.019 (4) is renumbered 135.0010 (1) (a), and amended to read:

PSC 135.0010 **(1)** (a) ~~All gas public utilities and gas pipeline operators~~ Each operator shall file with the ~~public service~~ commission a copy of ~~the~~ each manual of ~~written~~ procedures ~~for conducting operations and maintenance activities and for emergency response~~, specifications, and standards required under 49 CFR ~~192.605(a)~~ 192, 193, 199 and this chapter. ~~Each change in the manual shall be filed with the commission within 20 days after the change is made.~~

SECTION 22. PSC 135.053 (1) and (2) are amended to read:

PSC 135.053 (1) After 49 CFR 192.53 (a), insert:

(aw) ~~Some of the materials conforming to specifications approved for use under 49 CFR 192 may not have properties suitable for the lower portion of the temperature band covered by 49 CFR 192.~~ Operators ~~are cautioned to give attention to the low-temperature properties of the materials used for~~ shall only use materials with properties suitable for facilities ~~to~~ that will be exposed to unusually low ground temperatures or low atmospheric temperatures. Twenty-inch steel pipe and larger, with a specified minimum yield strength of 52,000 ~~p.s.i.~~ p.s.i.g. or higher, shall be tested for fracture toughness in accordance with the applicable section of the respective API standard under which it was produced, except for small lot purchases of pipe where testing for fracture toughness is impractical.

(2) After 49 CFR 192.53 (c) insert:

(dw) When substantial quantities of pipe are acquired, certified reports of chemical composition and physical properties shall be obtained~~; when~~. When the quantity of pipe involved is so limited that this requirement would be impractical, a certified statement shall be obtained setting forth the specification under which the pipe was manufactured.

SECTION 23. PSC 135.055 is repealed.

SECTION 24. PSC 135.125 is amended to read:

PSC 135.125 **Design of copper pipe addition [49 CFR 192.125].** After 49 CFR 192.125 (d), insert:

(ew) Fittings in copper piping. Fittings that are in copper piping, not isolated from the copper, and exposed to the soil, such as service tees and pressure control fittings, shall be made of bronze, copper or brass.

SECTION 25. PSC 135.161 is created to read:

PSC 135.161 **Supports and anchors addition [49 CFR 192.161].** After 49 CFR 192.161 (f), insert:

(gw) Regulator station buildings and facilities shall be built using only non-combustible materials.

SECTION 26. PSC 135.163 (1) and (2) are amended to read:

PSC 135.163 **Compressor stations: design and construction additions [49 CFR 192.163].**

(1) After 49 CFR 192.163 (b), insert:

(bw) All compressor station buildings and facilities shall be ~~constructed of~~ built using only non-combustible materials ~~as defined under s. Comm 51.01 (86)~~.

~~**Note:** Ch. Comm 51 was repealed eff. 7−1−02~~.

(2) After 49 CFR 192.163 (c), insert:

(cw) Exits shall be provided in compliance with the requirements of the Wisconsin Commercial Building Code, chs. Comm 61 to 65. Ladders ~~shall~~ may not be used for exits.

SECTION 27. PSC 135.171 is amended to read:

PSC 135.171 **Compressor stations: additional safety equipment addition [49 CFR 192.171].** After 49 CFR 192.171 (a), insert:

(aw) Fire protection. Fire-protection facilities shall be provided as specifically directed by the department of commerce and the local fire department. The operation of fire-protection facilities, such as pumps, ~~shall~~ may not be affected by an emergency shutdown.

SECTION 28. PSC 135.173 is repealed.

SECTION 29. PSC 135.181 (title) is amended to read:

PSC 135.181 (title) **Distribution line valves ~~addition~~ additions [49 CFR 192.181].**

SECTION 30. PSC 135.181 is renumbered 135.181 (2), and amended to read:

PSC 135.181 **(2)** After 49 CFR 192.181 (b), insert:

(bw) The distance between the valve and the regulator ~~or regulators~~ shall be sufficient to permit the operation of the valve during an emergency such as a large gas leak or a fire in the regulator station. These valves shall be in accessible locations that are neither closer than 25 feet nor more than 1,500 feet distant from each regulator station. Notwithstanding 49 CFR 192.13 (a) and (b), all regulator stations shall comply with this section by January 1, 2014.

SECTION 31. PSC 135.181 (1) is created to read:

PSC 135.181 **Distribution line valves additions [49 CFR 192.181]. (1)** After 49 CFR 192.181 (a), insert:

(aw) Valves shall be spaced so that a section that has been shut down can be relit within 8 hours of restoration of pressure in the main.

SECTION 32. PSC 135.183 (dw) is repealed.

SECTION 33. PSC 135.183 (ew) is renumbered 135.183 (dw), and amended to read:

PSC 135.183 **Vaults: structural design requirements additions [49 CFR 192.183].** After 49 CFR 192.183 (c), insert:

(dw) Vault or pit openings shall be located so as to minimize the hazards of tools or other objects falling ~~upon~~ on the regulator, piping, or other equipment. The control piping and the operating parts of the equipment installed ~~shall~~ may not be located under a vault or pit opening where workers can step on them when entering or leaving the vault or pit, unless such parts are suitably protected. Whenever a vault or pit opening is to be located above equipment which could be damaged by a falling cover, a circular cover ~~should~~ shall be installed or other suitable precautions taken.

SECTION 34. PSC 135.189 (1) is amended to read:

PSC 135.189 **Vaults: drainage and waterproofing additions [49 CFR 192.189]. (1)** After 49 CFR 192.189 (a), insert:

(aw) ~~Nevertheless, vault~~ Vault equipment shall always be designed to operate safely, if submerged.

SECTION 35. PSC 135.195 (4w) (i) is repealed.

SECTION 36. PSC 135.195 (4w) (v) is amended to read:

PSC 135.195 (4w) (v) A monitoring regulator, as described in s. PSC 135.195 ~~(3)~~ (3w) (iv).

SECTION 37. PSC 135.195 (dw) and (ew) are created to read:

PSC 135.195 (dw) An operator shall extend atmospheric vents for above-ground regulator stations not in vaults so that the vents are above the high water mark.

(ew) Where the operator's response time is potentially greater than 30 minutes and an operator monitor station design is used, an operator shall install a relief valve capable of relieving at least one-half of the capacity of the lowest capacity regulator that is run in the station.

SECTION 38. PSC 135.197 (dw) is amended to read:

PSC 135.197 **Control of the pressure of gas delivered from high-pressure distribution systems additions [49 CFR 192.197].** After 49 CFR 192.197 (c), insert:

(dw) The service regulator shall be ~~of a type that is~~ capable under normal operating conditions of regulating the downstream pressure within the limits of s. PSC 134.23 and of limiting the build-up of pressure under no-flow conditions to 50% or less of the discharge pressure maintained under flow conditions.

SECTION 39. PSC 135.197 (ew) is repealed and recreated to read:

PSC 135.197 (ew) (1) In addition to the provisions of 49 CFR 192.197 (a) to (c), an operator shall install a suitable protective device to prevent unsafe overpressuring of the customer's appliances should the service regulator fail, if the maximum actual operating pressure of the distribution system meets both of the following:
(i) The pressure in the distribution system is greater than low pressure.
(ii) The pressure in the distribution system is equal to or less than 60 p.s.i.g.
(2) The suitable protective devices under par. (1) may be installed as an integral part of the service regulator or as a separate unit. Some of the suitable types of protective devices to prevent over pressuring of customers' appliances are:
(i) A monitoring regulator.
(ii) A relief valve.
(iii) An automatic shut-off device.

SECTION 40. PSC 135.197 (fw) is renumbered 135.197 (gw), and amended to read:

PSC 135.197 (gw) Breather vents ~~shall be provided~~ on ~~all~~ service regulators shall be insect-proof and designed and installed to prevent the accumulation of water, ice and snow.

SECTION 41. PSC 135.197 (fw) is created to read:

PSC 135.197 (fw) When a monitoring regulator is used, a device or method that indicates the failure of the service regulator shall also be provided according to the following schedule:
(1) For all monitoring regulators installed on or after the effective date of these rules ….[LRB inserts date]…., a failure detecting device or method shall be installed or implemented at the same time that the monitoring regulator is installed.
(2) For monitoring regulators installed before the effective date of these rules ….[LRB inserts date]…., a failure detecting device or method shall be installed or implemented for all monitoring regulators within 10 years of the effective date of these rules ….[LRB inserts date]….

SECTION 42. PSC 135.199 (1) is amended to read:

PSC 135.199 **Requirements for design of pressure relief and limiting devices additions [49 CFR 192.199]. (1)** After 49 CFR 192.199(e), insert:

(ew) In addition, the outlet ports shall be insect-proof and consideration shall be given to all exposures in the immediate vicinity including operable windows or locations where gas can enter confined areas;

SECTION 43. PSC 135.199 (2) (hw) is renumbered 135.199 (3) (hw).

SECTION 44. PSC 135.199 (2) (iw) is renumbered 135.199 (3) (iw), and amended to read:

PSC 135.199 (3) (iw) Precautions shall be taken to prevent unauthorized operation of any valve which will make pressure limiting devices inoperative. This provision applies to isolating valves, by-pass valves, and valves on control or float lines which are located between the pressure limiting device and the system which the device protects. A method similar to ~~s. PSC 135.199 (2)~~ par. (hw) shall be considered acceptable in complying with this provision.

SECTION 45. PSC 135.199 (2) is created to read:

PSC 135.199 **(2)** Delete "and" from the end of 49 CFR 192.199 (g), and insert:

(gw) At pressure regulator stations, the gas shall be discharged upward at a minimum height of 6 feet from the ground or above the overhang of any adjacent building, whichever is greater; and

SECTION 46. PSC 135.199 (3) (jw) is created to read:

PSC 135.199 (3) (jw) Monitor regulators, regulators in series, or working monitors used for overpressure protection at district regulator stations shall include a device or method, whether internal or separate, that indicates failure of the regulator or monitor. Each regulator or monitor used as a district regulator shall be examined at least monthly for detection of a failure.

SECTION 47. PSC 135.204 is amended to read:

PSC 135.204 **Addition [49 CFR 192.204w].** After 49 CFR 192.203, insert:

192.204w **Pipelines on right-of-way of electric lines.** Where an operator's gas pipelines parallel ~~overhead~~ electric ~~transmission~~ lines on the same right-of-way, the ~~company operating the pipelines~~ operator shall take the following precautions:

(a) Employ blow-down connections and relief valve vents that will direct the gas upward and away from the electric conductors and other electrical equipment.

(b) Make a study in collaboration with the electric company ~~on~~ of the common problems of corrosion and electrolysis, taking the following factors into consideration:
(1) The possibility of the pipeline carrying either unbalanced line currents or fault currents.
(2) The possibility of lightning or fault currents inducing voltages sufficient to puncture pipe coatings or pipe.
(3) Cathodic protection of the pipeline, including location of ground beds, especially if the electric line is carried on steel towers.
(4) Bonding connections between the pipeline and either the steel tower footings or the buried ground facilities or the ~~ground wire~~ ground wire of the overhead electric system.

(c) Investigate the necessity of protecting insulating joints in the pipeline against induced voltages or currents resulting from lightning ~~strokes~~ strikes. Such protection can be obtained by connecting buried sacrificial anodes to the pipe near the insulating joints or

by bridging the pipeline insulator with a ~~spark-gap~~ spark gap or by other effective means.

SECTION 48. PSC 135.225 and 135.227 are created to read:

PSC 135.225 **Welding procedures addition [49 CFR 192.225].** After 49 CFR 192.225 (b), insert:

(cw) Notwithstanding 49 CFR 192.225 (a), after July 1, 2012, all welders shall be qualified under the applicable requirements of API 1104 (IBR sec. 192.7).

(dw) A copy of the welding procedure being followed shall be on the jobsite when welding is performed.

PSC 135.227 Qualification of welders [49 CFR 192.227]. After 49 CFR.227 (c), insert:

(dw) Notwithstanding 49 CFR 192.227 (a) and (b), after July 1, 2012 all welders shall be qualified under the applicable requirements of API 1104 (IBR sec. 192.7).

SECTION 49. PSC 135.246 (b) to (d) (intro.) and (d) (3) are amended to read:

PSC 135.246 (b) When a pipeline or main can be kept full of gas during a welding or cutting operation, the following procedures ~~are recommended~~ shall be followed where possible:

(c) No welding or acetylene cutting ~~shall~~ may be done on a pipeline, main, or auxiliary apparatus that contains air if it is connected to a source of gas, unless a suitable means has been provided to prevent the leakage of gas into the pipeline or mains.

(d) (intro.) In situations where welding or cutting must be done on facilities which are filled with air and connected to a source of gas and the precautions in par. (b) cannot be taken, one or more of the following precautions, depending upon the circumstances at the job, are required:

(d) (3) ~~Careful verification~~ Verification before the work starts that the valves that isolate the work from a source of gas do not leak.

SECTION 50. PSC 135.273 is created to read:

PSC 135.273 **General [49 CFR 192.273].** After 49 CFR 192.273 (c), insert:

(dw) Steel pipe may not be joined together during initial construction or as a permanent repair, using a compression style coupling. Nothing in this requirement shall prohibit the use of flanges, where appropriate.

SECTION 51. PSC 135.279 is repealed.

SECTION 52. PSC 135.305 is created to read:

PSC 135.305 **Inspection, general: additions. [49 CFR 192.305]**

After the text in 49 CFR 192.305, insert:

(aw) If an operator is using third-party contractors to construct gas facilities, the operator may not use the same contractor that is performing the construction of the gas facilities, or any company with a financial interest in the company performing the construction, to perform the inspections required by this subpart or subparts E, F or H.

Note: This provision is in subpart G of 49 CFR 192.

(bw) To ensure that work is performed in accordance with 49 CFR 192, an inspector shall be on-site at all times when work that has to be in compliance with that chapter is performed.

(cw) Nothing in this section shall be construed to prohibit an operator from having its own employees inspect their work.

SECTION 53. PSC 135.307 and 135.309 are amended to read:

PSC 135.307 **Inspection of materials addition [49 CFR 192.307].** After the text in 49 CFR 192.307, insert:

~~(1w)~~ (aw) Detection of gouges and grooves. The field inspection provided on each job shall be suitable to reduce to an acceptable minimum the chances that gouged or grooved pipe will get into the finished transmission line or main. ~~Inspection~~ An inspection for this purpose ~~just ahead of the coating operation and during~~ shall be performed just ahead of the lowering in and backfill operation ~~is required~~.

PSC 135.309 **Repair of steel pipe addition [49 CFR 192.309].** After 49 CFR 192.309 (e), insert:

(fw) ~~Due primarily to climate conditions,~~ An operator shall make reasonable efforts to prevent or eliminate harmful defects such as gouges, grooves, notches, and dents ~~have been found to be an important cause of steel pipe failures and an attempt shall be made to prevent or eliminate harmful defects of this nature~~ in steel pipe. Section 192.309 (b) pertains to transmission lines and mains intended to operate at hoop stresses of 20% or 40% or more of the specified minimum yield strength. However, applicable portions of these paragraphs shall apply to facilities intended to operate below ~~this~~ these hoop stress ~~level~~ levels.

SECTION 54. PSC 135.319 (1) to (3) are amended to read:

PSC 135.319 **(1)** (aw) This includes grading the ditch so that the pipe has a firm, substantially continuous bearing on the bottom of the ditch. When long sections of pipe that have been welded alongside the ditch are lowered in, ~~care shall be exercised so as not~~ an operator shall make a reasonable effort to not jerk the pipe or impose any strains that may kink or put a permanent bend in the pipe.

(2) After 49 CFR 192.319 (b) (2), insert:

(3w) If there are large rocks in the material to be used for backfill, ~~care should be used~~ the operator shall make a reasonable effort to prevent damage to the coating or pipe by such means as the use of rock shield material, or by making the initial fill with rock free material to a sufficient depth over the pipe to prevent damage.

(4w) Where flooding of the trench is done to consolidate the backfill, ~~care shall be exercised~~ the operator shall make a reasonable effort to see that the pipe is not floated from its firm bearing on the trench bottom.

(3) After 49 CFR 192.319 (c), insert:

(cw) The provisions of 49 CFR 192.319 (a) ~~shall~~ and (aw) also apply to mains operating at less than 20% of the SMYS.

SECTION 55. PSC 135.321 (fw) is renumbered 135.321 (1).

SECTION x. PSC 135.321 (gw) is renumbered 135.321 (2) (iw), and amended to read:

PSC 135.321 (2) (iw) Care shall be exercised to avoid rough handling of plastic pipe and tubing. It ~~shall~~ may not be pushed or pulled over sharp projections, dropped or have other objects dropped ~~upon~~ on it. Caution shall be taken to prevent kinking or buckling, and any kinks or buckles which occur shall be removed by cutting out as a cylinder.

SECTION 56. PSC 135.321 (hw) (intro.), (1) and (2) are renumbered 135.321 (2) (jw) (intro.), (1) and (2).

SECTION 57. PSC 135.321 (hw) (2) is renumbered 135.321 (2) (jw) (2), and amended to read:

PSC 135.321 (2) (jw) (2) The bends shall be free of damage and buckles, cracks, or other evidence of damage.

SECTION 58. PSC 135.321 (hw) (3) is renumbered 135.321 (2) (jw) (3), and amended to read:

PSC 135.321 (2) (jw) (3) Changes in direction that cannot be made in accordance with s. PSC 135.321, ~~192.32 (hw) (1)~~ 192.321 (jw) (1), shall be made with elbow-type fittings.

SECTION 59. PSC 135.321 (hw) (4) is renumbered 135.321 (2) (jw) (4).

SECTION 60. PSC 135.321 (iw) is renumbered 135.321 (2) (kw), and amended to read:

PSC 135.321 (2) (kw) Plastic piping shall be laid on undisturbed or well compacted soil. If plastic piping is to be laid in soils which may damage it, the piping shall be protected by suitable rock free materials before back-filling is completed. Plastic piping ~~shall~~ may not be supported by blocking. Well ~~tampered earth~~ tamped soil or other continuous support shall be used.

SECTION 61. PSC 135.321 (2) (intro.) is created to read:

PSC 135.321 **(2)** (intro.) After 49 CFR 192.321 (h), insert:

SECTION 62. PSC 135.323 is repealed.

SECTION 63. PSC 135.324 is amended to read:

PSC 135.324 Addition [49 CFR 192.324w]. After 49 CFR 192.323, insert:

PSC 192.324w Rail Crossings. ~~Whenever~~ If a steel pipeline is installed under a railroad track and a casing is not used, the operator shall install the pipeline using the methods prescribed in Gas Research Institute report number GRI−91/0285, entitled "Guidelines for Pipelines Crossing Railroads and Highways."

SECTION 64. PSC 135.325 (title) is amended to read:

PSC 135.325 (title) ~~**Addition**~~ **Additions [49 CFR 192.325].**

SECTION 65. PSC 135.325 (bw) is renumbered 135.325 (bgw), and amended to read:

PSC 135.325 (bgw) No ~~distribution~~ main or transmission line ~~shall~~ may be installed under ~~buildings~~ a building. No building may be installed or constructed over or above any existing, in-service main or transmission line.

SECTION 66. PSC 135.325 (brw) is created to read:

PSC 135.325 (brw) All pipelines shall be installed with at least 12 inches of separation from any metallic wire other than tracer wire, or any underground structure capable of transmitting electricity, including electrical, telecommunications, and cable facilities.

SECTION 67. PSC 135.327, 135.351 and 135.353 are created to read:

PSC 135.327 **Cover additions [49 CFR 192.327]** After 49 CFR 192.327 (f), insert:

(fgw) Whenever there is a pipeline in a road right-of-way and the road is reconstructed, reasonable efforts shall be made to ensure that the pipeline is at the depth required under this section when the project is completed.

(frw) If any portion of a buried main or transmission line has less than 12 inches of cover, reasonable efforts shall be made to ensure that there is adequate cover in accordance with 49 CFR 192.327.

PSC 135.351 **Scope addition [49 CFR 192.351].** After the text in 49 CFR 192.351, insert:

(aw) All service lines, regulators and meters shall be installed and inspected in accordance with comprehensive written specifications and procedures.

Note: See PSC 135.305 regarding who can perform this inspection.

PSC 135.353 **Customer meters and regulators: location addition [49 CFR 192.353].** After 49 CFR 192.353 (a), insert:

(aw) When performing a new installation a utility shall install a meter outside and as close to the building wall as possible, unless doing so is physically impracticable.

SECTION 68. PSC 135.355 (1) (aw) (intro.) and (1) are amended to read:

PSC 135.355 (1) (aw) (intro.) ~~Install a~~ A check valve or equivalent shall be installed if any of the following apply:

(1) The gas utilization equipment might induce a back-pressure.

SECTION 69. PSC 135.361 is created to read:

PSC 135.361 **Service lines: installations additions [49 CFR 192.361].** After 49 CFR 192.361 (a), insert:

(agw) Each service line shall be installed with at least 12 inches of clearance from any metallic wire other than tracer wire, or any underground structure capable of transmitting electricity, including electrical, telecommunications, and cable facilities. If this clearance cannot be attained, the service line shall be protected from damage that might result from the proximity to any such wire or structure.

(arw) Whenever there is a service line in a road right-of-way and the road is reconstructed, the operator shall take steps to ensure that when the project is completed, each service line in the road right-of-way is in compliance with 49 CFR 192.361 (a).

SECTION 70. PSC 135.365 (title) is amended to read:

PSC 135.365 (title) **Service lines: location of valves ~~addition~~ additions [49 CFR 192.365].**

SECTION 71. PSC 135.365 (bw) is renumbered 135.365 (bgw), and amended to read:

PSC 135.365 (bgw) ~~Whenever gas is supplied~~ Each service line to a ~~theater, church, school, factory or other building where large numbers of persons assemble~~ building used for public gatherings that has a capacity greater than 15 individuals, including schools,

churches and similar places of worship, medical facilities, eating establishments, factories, and theaters, shall have an outside valve in ~~such case will be required~~ a readily accessible location.

SECTION 72. PSC 135.365 (brw) is created to read:

PSC 135.365 (brw) For service lines that are longer than 50 feet, in addition to the valve required under par. (bgw), an underground service valve shall be installed as close as feasible to the main.

SECTION 73. PSC 135.371 (aw) (intro.) and (1) are renumbered 135.365 (aw) (1) and (2), and amended to read:

PSC 135.371 **Service lines: steel addition [49 CFR 192.371].** After the text in 49 CFR 192.371, insert:

(aw) (1) When coated steel pipe is to be installed as a service line in a bore, ~~care should be exercised~~ reasonable efforts shall be made to prevent damage to the coating during installation. ~~For all installations to be made by boring, driving or similar methods or in a rocky type soil, the following practices or their equivalents shall be followed:~~

(2) ~~When~~ If an operator is going to use coated steel pipe as a service line, and the pipe is to be installed by boring, ~~or~~ driving ~~and a coated steel pipe is to be used for the service line,~~ or similar methods, or in a rocky-type soil, the coated pipe may not be used as the bore pipe or drive pipe and left in the ground as part of the service line. Such installations shall be made by first making an oversize bore, removing the pipe used for boring and then inserting the coated pipe.

SECTION 74. PSC 135.371 (aw) (2) is repealed.

SECTION 75. PSC 135.375 is repealed.

SECTION 76. PSC 135.379 is created to read:

PSC 135.379 **New service lines not in use: additions. [49 CFR 192.379].** After 49 CFR 192.379 (c), insert:

(dw) For purposes of 49 CFR 192.379 and this section, "in service" means a customer's gas appliance is connected to the customer's piping, the piping is physically connected to the meter, and the customer is capable of utilizing gas.

(ew) Notwithstanding 49 CFR 192.379, each new service line that is not placed in service shall comply with either s. 192.379 (a), or ss. 192.379 (b) and (c) until the customer is supplied with gas.

SECTION 77. PSC 135.457 (dw) is renumbered 135.457 (cw).

SECTION 78. A note following PSC 135.457 (cw) is created to read:

PSC 135.457 (cw) **Note:** This provision is in 49 CFR 192, subpart I.

SECTION 79. PSC 135.461 is created to read:

PSC 135.461 **External corrosion control: protective coating addition [49 CFR 192.461].** After 49 CFR 192.461 (e), insert:

(fw) If boring, driving, or other similar methods are used for installation, the inspection under 49 CFR 192.461 (c) shall include a current drain test where appropriate based on the soil conditions encountered.

SECTION 80. PSC 135.465, 135.481, 135.503 and 135.506w are created to read:

PSC 135.465 **External corrosion control: monitoring addition [49 CFR 192.465].** After 49 CFR 192.465 (d), insert:

(dw) For purposes of par. (d), "prompt remedial action" means completing corrective measures within 12 months of discovery of the deficiency.

PSC 135.481 **Atmospheric corrosion control: monitoring addition [49 CFR 192.479].** After 49 CFR 192.481 (c), insert:

(cw) When remedial action is necessary under par. (c), corrective actions shall be completed within 12 months of discovery of the atmospheric corrosion.

PSC 135.503 **General requirements additions [49 CFR 503].** After 49 CFR 503 (d), insert:

(ew) Notwithstanding any other requirements in this subpart, all pipelines shall be tested to a minimum of 90 p.s.i.g. Nothing in this paragraph shall allow a test to be less stringent than that required under federal law.

Note: This provision is 49 CFR 192, in subpart J.

PSC 135.506w **Strength test requirements for steel pipeline [49 CFR 135.506w].** Except in freezing weather or when water is not available, all steel transmission lines, excluding prefabricated assemblies and prefabricated station piping, shall be hydrostatically tested in place to at least 85% of the specified minimum yield strength or the pressure required to substantiate the MAOP of the pipeline, whichever is higher.

SECTION 81. PSC 135.511 is amended to read:

PSC 135.511 **Test requirements for service lines addition [49 CFR 192.511].** After 49 CFR 192.511 (c), insert:

(dw) Each segment of a service line~~, other than plastic, intended to be operated at a pressure between 0 and 1 p.s.i.g.~~ shall be given a leak test at a pressure of not less than ~~50~~ 90 p.s.i.g.

SECTION 82. PSC 135.517 and 135.605 are created to read:

PSC 135.517 **Records additions [49 CFR 135.517].**

(1) After 49 CFR 192.517 (a) (7), insert:

(8w) Test date.

(2) After 49 CFR 192.517 (b), insert:

(cw) Each operator shall keep the record of any pressure or leak test used to substantiate the MAOP of a pipeline for as long as the pipeline is in service.

PSC 135.605 **Procedural manual for operations, maintenance, and emergencies addition [49 CFR 192.605].** After 49 CFR 192.605 (b) (11), insert:

(12w) Operators that utilize third parties to perform operation and maintenance activities shall adopt and follow a written quality control procedure for use in evaluating the work done by the third parties. The procedure shall include a requirement for periodic field audits of the work performed by third parties, based on statistical sampling.

SECTION 83. PSC 135.613 is amended to read:

PSC 135.613 (cw) When street is paved or repaved. Whenever a road or street is paved or repaved with permanent pavement, unless a leakage survey of that road or street has been done within the last 6 months, the operator shall do all of the following:
(1) Check for leaks along all ~~mains and services~~ pipelines in the streets ~~and abutting property~~ with ~~a continuous sampling instrument capable of detecting combustible gas in air concentrations of 100 parts per million~~ an acceptable leak detection device.
(2) Determine condition of pipe and joints by sample visual examination, where possible.
(3) Repair any leaks found.
(4) Replace pipe if existing pipe is corroded to such an extent that it is likely to require replacement before the street is again resurfaced.

(dw) Underground pipes. Whenever underground pipes are exposed in order to repair leaks, the utility shall record on the repair order the nature of the leak and possible cause from observation.

SECTION 84. PSC 135.614 (dw) is renumbered 135.614 (1) (cw), and amended to read:

PSC 135.614 (1) (cw) All operators ~~of natural gas pipelines~~ shall be a member of a single, state-wide one-call system. If there is more than one state-wide one-call system, the ~~public service~~ commission may determine which system the operators will join.

SECTION 85. PSC 135.614 (2) is created to read:

PSC 135.614 (2) After 49 CFR 192.614 (e), insert:

(fw) An operator of a natural gas system shall report material failures on its system in one of the following ways:
(1) Report to the commission on a quarterly basis beginning the first full quarter after the effective date of this rule …[LRB inserts date]…. using the format of the Common Ground Alliance, or its successor's, damage information reporting tool that is being used on the effective date of this rule …[LRB inserts date]….

(2) Report to the Common Ground Alliance's, or its successor, using its damage information reporting tool program. Information reported using this tool shall be available to the commission upon request.

SECTION 86. PSC 135.615 is created to read:

PSC 135.615 **Emergency plans [49 CFR 192.615].**

(1) After 49 CFR 192.615 (a) (3) (iv), insert:

(vw) Suspected elevated levels of carbon monoxide.

(2) After 49 CFR 192.615 (a) (3), insert:

(3w) Each operator shall provide a prompt and effective response to the situations listed in 192.615 (a) (3) (i) to (vw).

(3) After 49 CFR 192.615 (a), insert:

(aw) For purposes of complying with par. (a), a prompt and effective response in an operator's emergency plan shall be defined as:

(1) A response with personnel and equipment capable of rendering the situation safe.

(2) For the following areas, a response to emergencies within an average of 20 minutes or less, measured from the point of initial notification and including travel and dispatch time, averaged over the last 6 months:

(i) Brown County

(1) Village of Allouez.
(2) Village of Ashwaubenon.
(3) City of De Pere.
(4) City of Green Bay.
(5) Village of Howard.

(ii) Calumet County

(1) City of Appleton.
(2) City of Menasha.

(iii) Dane County

(1) Town of Blooming Grove.
(2) City and town of Madison.
(3) City and town of Middleton.
(4) Village of Maple Bluff.
(5) Village of McFarland.
(6) City of Monona.
(7) Village of Shorewood Hills.

(iv) Milwaukee County

(7) City of Bayside.
(8) City of Brown Deer.
(9) City of Cudahy.
(10) City of Fox Point.
(11) City of Franklin.
(12) City of Greendale.
(13) City of Greenfield.
(14) City of Hales Corners.

(15) City of Milwaukee.
(16) City of Oak Creek.
(17) City of River Hills.
(18) City of Shorewood.
(19) City of South Milwaukee.
(20) City of St. Francis.
(21) City of Wauwatosa.
(22) City of West Allis.
(23) City of West Milwaukee
(24) City of Whitefish Bay.

(v) Outagamie County
(1) City of Appleton.
(2) Town of Buchanan.
(3) Village of Combined Locks.
(4) Town of Grand Chute.
(5) City of Kaukauna.
(6) Village of Little Chute.
(7) Town of Vandenbroek.

(vi) Ozaukee County
(1) City and town of Cedarburg.
(2) Town and village of Grafton.
(3) City of Mequon.
(4) City of Port Washington.
(5) Village of Saukville.
(6) Village of Thiensville.

(vii) Racine County
(1)) Town of Caledonia.
(2) Town of Mount Pleasant.
(3) Village of North Bay.
(4) City of Racine.
(5) Village of Sturtevant.
(6) Village of Wind Point.

(viii) Waukesha County
(1) City and town of Brookfield.
(2) Village of Elm Grove.
(3) Town of Lisbon.
(4) Village of Lannon.
(5) Village of Menomonee Falls.
(6) City of New Berlin.
(7) City and village of Pewaukee.
(8) Village of Sussex.
(9) City and town of Waukesha.

(ix) Winnebago County
(1) City and town of Menasha.

(2) City and town of Neenah.
(3) City and town of Oshkosh.

(3) For areas other than those listed in par. (2), a response time to emergencies in a specific geographic area within an average of 30 minutes or less, averaged over the last 6 months. Specific response time requirements for specific geographic areas covered by this paragraph shall be established based on emergency response time maps filed by a utility for approval by the commission. Such maps shall outline a specific geographic area and, taking population density into consideration, establish an average response time for that area that is 30 minutes or less, measured from the point of initial notification and including travel and dispatch time, averaged over the last 6 months.

(4) The six-month average required under pars. (2) and (3) shall be recalculated on the first of every month.

(4) After 49 CFR 192.615 (b) (3), insert:

(4w) (i) Report to the commission, within 30 days of the occurrence, any emergency response required by this section that exceeds 60 minutes, measured from the time of initial notification to the time of arrival at the emergency, including travel and dispatch time. This report shall include the reasons the response time exceeded 60 minutes.

(ii) By February 15 of each year, file with the commission a summary of the reports filed under par. (i) for the previous year.

SECTION 87. PSC 135.621 (1) is renumbered 135.103, and amended to read:

PSC 135.103 **General addition [49 CFR 192.103].** After ~~49 CFR 621(a)(3)~~ the text in 49 CFR 192.103, insert:

PSC 135.103 (aw) No ~~person~~ operator may install or operate a segment of a cast iron pipe ~~in which there are unreinforced bell and spigot joints at a pressure higher than low pressure unless it can be proven to the commission that they can be operated at a higher pressure. However, the maximum allowable operating pressure under any circumstances shall not exceed 15 p.s.i.g. Except for maintenance of existing mains, no new cast iron may be installed after November 1999~~.

SECTION 88. PSC 135.621 (2) is renumbered PSC 135.621, and amended to read:

PSC 135.621 **Maximum allowable operating pressure: high−pressure distribution systems additions [49 CFR 192.621].** After 49 CFR 192.621 ~~(b)~~ (a) (5), insert:

~~(cw)~~(6w) Sixty p.s.i.g. in individual distribution systems or portions of a system. The intercity or supply mains for these distribution systems may be operated at pressures higher than 60 p.s.i.g. if the number of ~~services~~ service lines supplied from these mains are limited and these mains are not an integral part of the distribution system. The pressure ~~and~~ in the service~~s~~ lines supplied from these higher pressure intercity and supply mains shall be limited to 60 p.s.i.g. unless the service lines are equipped with series regulators or other pressure limiting devices as prescribed in 49 CFR 192.197 (c).

SECTION 89. PSC 135.623 is amended to read:

PSC 135.623 **Maximum allowable operating pressure: low-pressure distribution systems addition [49 CFR 192.623].** After 49 CFR 192.623 (b), insert:

(cw) No ~~person~~ operator may operate a low pressure distribution system ~~at a pressure in excess of that provided by s. PSC 134.23 (1)~~ after January 1, 2015.

SECTION 90. PSC 135.629 is amended to read:

PSC 135.629 **Purging of pipelines addition [49 CFR 192.629].** After 49 CFR 192.629 (b), insert:

(cw) ~~No~~ A pipeline, main, or service ~~shall~~ line may not be purged into any building or confined space.

SECTION 91. PSC 135.705 and 135.706 are created to read:

PSC 135.705 **Transmission lines: patrolling additions [49 CFR 192.705].** After 49 CFR 192.705 (c), insert:

(dw) An operator shall ensure that each transmission line right-of-way is sufficiently cleared and maintained to allow vehicles to access the right-of-way for purposes of emergency response and routine maintenance.

PSC 135.706 **Transmission lines: leakage surveys addition [49 CFR 192.706]**

After 49 CFR 192.706 (b), insert:

(cw) A leakage survey under this section shall be performed using an acceptable leak detection device.

SECTION 92. PSC 135.707 is amended to read:

PSC 135.707 **Line markers for mains and transmission lines addition [49 CFR 192.707].** After 49 CFR 192.707 (d), insert:

(ew) When a transmission ~~lines are~~ line is located ~~outside urban areas~~ in a class 1 or class 2 location, as defined in 49 CFR 192.5, ~~their~~ its location shall be marked~~, recognizable to the public, at each fence line, road crossing, railroad crossing, river, lake, stream, or drainage ditch crossing and wherever it is considered necessary to identify the location of a pipeline to reduce the possibility of damage or interference.~~ in both of the following ways:

(1) At each fence line, road crossing, railroad crossing, river, lake, stream, or drainage ditch crossing, and wherever it is considered necessary to identify the location of the pipeline to reduce the possibility of damage or interference.

(2) At least every 1320 feet, except in areas that are actively used for agricultural purposes where the line marker shall be placed as close as practicable to the point where it would otherwise be placed.

SECTION 93. PSC 135.713 (intro.) is amended to read:

PSC 135.713 **Transmission lines: permanent field repair of imperfections and damages addition [49 CFR 192.713].** After 49 CFR 192.713 (a) ~~(3)~~, insert:

SECTION 94. PSC 135.713 (4w) is renumbered 135.713 (aw), and amended to read:

PSC 135.713 (aw) Gouges and grooves of ~~lesser~~ a depth greater than 10% of the nominal wall thickness of the pipe may not be removed by grinding ~~out to a smooth contour provided the grinding does not reduce the remaining wall thickness to less than the minimum prescribed by 49 CFR 192 for the conditions of use.PSC 135.713 (aw)~~.

SECTION 95. PSC 135.720 is amended to read:

PSC 135.720 Addition [49 CFR 192.720w]. After 49 CFR 192.719, insert:

192.720w Repair of Steel Pipe Operating below 40 Percent of the Specified Minimum Yield Strength. If inspections at any time reveal an injurious defect, gouge, groove, dent, or leak in steel pipe operating below 40% of SMYS, immediate temporary measures shall be employed to protect the property and public if it is not feasible to make permanent repair at time of discovery. As soon as feasible, permanent repairs shall be made using recognized methods of repair.

SECTION 96. PSC 135.721 is created to read:

PSC 135.721 **Distribution systems: patrolling addition [49 CFR 192.721].** After 49 CFR 192.721 (b), insert:

(cw) (1) If a utility is using an automated meter reading system, a hazard survey shall be performed every 3 years. The hazard survey may not be performed in the same year that a leakage survey or an atmospheric corrosion survey is performed.
(2) At a minimum, the hazard survey shall include an inspection to ensure that the meter is in proper operating condition.

(dw) The requirements of this section also apply to service lines in places or on structures where anticipated physical movement or external loading could cause failure or leakage.

SECTION 97. PSC 135.722 is amended to read:

PSC 135.722 **Addition [49 CFR 192.722w].** After 49 CFR 192.721, insert:

PSC 192.722w **Distribution ~~Mains: Markers~~ mains: markers.** When a distribution ~~mains are~~ main is located ~~outside urban areas~~ in a class 1 or class 2 location, as defined in 49 CFR 192.5, ~~their~~ its location shall be marked ~~, recognizable to the public, at each fence line, road crossing, railroad crossing, river, lake, stream, or drainage ditch crossing and wherever it is considered necessary to identify the location of a pipeline to reduce the possibility of damage or interference.~~ in both of the following ways:

SECTION 98. PSC 135.722w (a) and (b) are created to read:

(a) At each fence line, road crossing, railroad crossing, river, lake, stream, or drainage ditch crossing, and wherever it is considered necessary to identify the location of the pipeline to reduce the possibility of damage or interference.
(b) At least every 1320 feet, except in areas that are actively used for agricultural purposes where the line marker shall be placed as close as practicable to the point where it would otherwise be placed.

SECTION 99. PSC 135.723 (cw) (intro.) is amended to read:

PSC 135.723 Distribution systems: leakage surveys additions [49 CFR 192.723]. After 49 CFR 192.723 (b), insert:

(cw) (intro.) Every operator shall maintain a gas leak-detection program and shall maintain records of operation under the program. The program shall consist of ~~not less than~~ requirements to perform at least the following:

SECTION 100. PSC 135.723 (cw) (1) is renumbered 135.723 (cw) (1) (i), and amended to read:

PSC 135.723 (cw) (1) (i) In each business district, in addition to the survey required under 49 CFR 192.723 (b) (1), an additional leakage survey with ~~a~~ an acceptable leak detection device shall be conducted ~~over street openings in business districts, as shown on maps filed with the public service commission by each utility~~ on distribution systems, including street openings, at intervals not exceeding 15 months, but at least once each calendar year. ~~and not more [less] than 4 ½~~ This survey shall be conducted 6 months plus or minus 1 ½ months before or after the survey required under ~~49 CFR 192.723 (b) (1)~~ par. (b) (1).

SECTION 101. PSC 135.723 (cw) (1) (ii) is created to read:

PSC 135.723 (cw) (1) (ii) Maps showing the extent of the business districts shall be filed with the commission every 5 years, and whenever the operator updates them.

SECTION 102. PSC 135.723 (cw) (2) is renumbered 135.723 (cw) (2) (i), and amended to read:

(2)(i) In each business district, a leakage survey of all ~~building survey~~ buildings shall be conducted with an acceptable leak detection device at intervals not exceeding 15 months, but at least once each calendar year. The leakage survey shall cover the piping from the service ~~entrance~~ line connection at the main to the meter outlet ~~and metering~~, or the customer piping entrance to the building if accessible, whichever is further downstream. Metering and regulating equipment shall also be tested for gas leakage in those buildings that have gas service.

SECTION 103. PSC 135.723 (cw) (2) (ii) and (iii) are created to read:

PSC 135.723 (cw) (2) (ii) The leakage survey of service lines in par. (1) may be used to meet the service line survey requirement in this section.
(iii) The leakage surveys in this subsection shall include a test of the atmosphere in areas inside buildings where gas is likely to accumulate, if accessible.

SECTION 104. PSC 135.723 (cw) (3) is renumbered 135.723 (cw) (3) (i), and amended to read:

PSC 135.723 (cw) (3) (i) A leakage survey of all buildings used for public gatherings that have a capacity greater than 15 individuals, ~~such as~~ including, but not limited to: schools, churches and similar places of worship, ~~hospitals~~ medical facilities, eating establishments, and theaters, shall be conducted with an acceptable leak detection device at intervals not exceeding 15 months, but at least once each calendar year. The leakage survey shall cover the piping from the service ~~entrance~~ line connection at the main to the meter outlet ~~and metering~~, or the customer piping entrance to the building if accessible, whichever is further downstream. Metering and regulating equipment shall also be tested for gas leakage in those buildings that have gas service.

SECTION 105. PSC 135.723 (cw) (3) (ii) is created to read:

PSC 135.723 (cw) (3) (ii) The leakage surveys in this subsection shall include a test of the atmosphere in areas inside buildings where gas is likely to accumulate, if accessible.

SECTION 106. PSC 135.723 (cw) (4) is renumbered 135.723 (cw) (4) (i), and amended to read:

PSC 135.723 (cw) (4) (i) In areas outside the business district of incorporated cities and villages, in addition to ~~a~~ the survey ~~of public buildings~~ required under par. (3) (i), the operator shall conduct a ~~leak~~ leakage survey of all mains using ~~a continuous sampling instrument capable of detecting and measuring combustible gas in air concentrations of 100 parts per million~~ an acceptable leak detection device. ~~The utility may substitute for the test required by this provision a survey by mobile flame ionization or infrared gas detection units. The tests required by this provision shall be made at intervals not exceeding 15 months, but at least once each calendar year.~~

SECTION 107. PSC 135.723 (cw) (4) (ii) is created to read:

PSC 135.723 (cw) (4) (ii) The tests required by this provision shall be made at intervals not exceeding 15 months, but at least once each calendar year.

SECTION 108. PSC 135.723 (cw) (5) is amended to read:

PSC 135.723 (cw) (5) Along all mains in unincorporated areas, a leakage survey with an acceptable leak detection ~~equipment~~ device shall be conducted at least once every 2 calendar years, at intervals not exceeding 27 months.

SECTION 109. PSC 135.723 (cw) (6) is renumbered 135.723 (cw) (6) (i), and amended to read:

PSC 135.723 (cw) (6) (i) ~~A~~ Outside of a business district, a leakage survey of all ~~services conducted with an acceptable leak detection device~~ service lines shall be made at intervals not exceeding ~~five~~ 5 years using an acceptable leak detection device. In areas where an automated meter reading system is in use, all service lines shall be leakage surveyed at least once every 3 calendar years, at intervals not exceeding 39 months.

SECTION 110. PSC 135.723 (cw) (6) (ii) is created to read:

PSC 135.723 (cw) (6) (ii) The survey in par. (i) may not be performed in the same year as the surveys required under s. PSC 135.721 or 49 CFR 192.481.

SECTION 111. PSC 135.723 (cw) (7) is amended to read:

PSC 135.723 (cw) (7) When a leak is found as a result of a survey in this section or when a complaint is received, and the odor of gas indicates that there is a leak in or near ~~the~~ a premises, a search shall be carried to conclusion until the leak is found.

Note: See PSC 135.615 regarding emergency response times.

SECTION 112. PSC 135.724w is amended to read:

PSC 135.724 **Addition [49 CFR 192.724w].** After 49 CFR 192.723, insert:

PSC 192.724w **Further leakage survey after repair of leak.** When a leak is found and repaired, a further check shall be made in the vicinity of the repaired leak to determine if there is any other source of migrant gas in the neighborhood. This further check shall be completed within 7 days of the repair.

SECTION 113. PSC 135.727 (intro.) is amended to read:

PSC 135.727 (intro.) **Abandonment or deactivation of facilities addition [49 CFR 192.727].** After ~~49 CFR 192.727(f)~~ 49 CFR 192.727 (g), insert:

SECTION 114. PSC 135.727 (gw) (intro.) is repealed.

SECTION 115. PSC 135.727 (gw) (1) is renumbered 135.727 (hw) (3) (i), and amended to read:

PSC 135.727 (hw) (3) (i) If the ~~facilities~~ service lines are abandoned in place, they shall be physically disconnected from the main at the service tee. ~~The open ends of all abandoned facilities shall be capped, plugged, or otherwise effectively sealed.~~

SECTION 116. PSC 135.727 (gw) (2) is repealed.

SECTION 117. PSC 135.727 (gw) (3) is renumbered 135.727 (hw) (4).

SECTION 118. PSC 135.727 (hw) (1) and (2) are created to read:

PSC 135.727 (hw) (1) For purposes of this section, "in service" means a customer's gas equipment is connected to a customer's piping, the customer's piping is physically connected to the meter, and the customer is capable of utilizing gas.

(2) (i) Except as provided in par. (ii), service lines that have not been in service for 10 years shall be removed from the customer's premises or abandoned.
(ii) Where there are 2 or more service lines serving individual residential buildings and the main and service lines are on a single piece of land owned by the same person, then a service line that has not been in service for 20 years shall be removed from the customer's premises or abandoned.

SECTION 119. PSC 135.727 (hw) (3) (ii) is created to read:

PSC 135.727 (hw) (3) (ii) The open ends of all abandoned facilities shall be capped, plugged, or otherwise effectively sealed.

SECTION 120. PSC 135.741 (ew) is created to read:

PSC 135.741 (ew) Each regulator or monitor used as a district regulator shall be examined at least monthly for detection of a failure.

SECTION 121. PSC 135.744 is amended to read:

PSC 135.744 **Addition [49 CFR 192.744w].** After 49 CFR 192.743, insert:

PSC 192.744w **Service regulators and associated safety devices: inspection and testing.** Service regulators and associated safety devices, including internal relief devices, on customers' premises shall be inspected and tested ~~periodically~~ during initial installation and whenever the meter is changed or tested to determine whether they are in proper operating condition. This shall include testing of the set pressure of the regulator at a specific flow rate, determination of the lock-up pressure, and determination as to whether there are any leaks, internal or external, associated with the regulator. ~~The test interval shall be the same as the interval between meter changes in the meter rotation program under s. PSC 134.30.~~ In cases of high pressure services where 2 regulators are used, both regulators shall be inspected and tested.

SECTION 122. PSC 135.747 (intro.) is amended to read:

PSC 135.747 (intro.) **Valve maintenance: distribution systems addition [49 CFR 192.747].** After ~~the text in~~ 49 CFR 192.747 (b), insert:

SECTION 123. PSC 135.747 (aw) is renumbered 135.747 (cw), and amended to read:

PSC 135.747 (cw) Inspection shall include partially operating the valve, checking ~~of~~ alignment to permit use of a key or wrench, and clearing from the valve box or vault any debris which would interfere or delay the operation of the valve. Records shall be maintained to show specific valve ~~location~~ locations and such records shall be made continuously accessible to authorized personnel for use under emergency conditions.

SECTION 124. PSC 135.747 (bw) is renumbered 135.747 (dw).

SECTION 125. PSC 135.747 (cw) is renumbered 135.747 (ew), and amended to read:

PSC 135.747 (ew) The by-pass valves in district regulator stations supplying gas to a ~~low pressure~~ distribution system shall be sealed, locked, or otherwise rendered incapable of operation, except by authorized personnel.

SECTION 126. PSC 135.747 (fw) is created to read:

PSC 135.747 (fw) Valves on distribution mains that are not checked and serviced under 49 CFR 192.747 (a) shall be inspected in accordance with par. (cw) at least once every fifth calendar year.

SECTION 127. PSC 135.749 is created to read:

PSC 135.749 **Vault maintenance – addition [49 CFR 192.749)** After 49 CFR 192.749 (a) insert:

(aw) All vaults, regardless of size, that house pressure-regulating and pressure-limiting equipment, shall be inspected in the manner described in par. (a).

SECTION 128. PSC 135.753 is repealed.

SECTION 129. 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.

2009-2010 Session

☒ ORIGINAL ☐ UPDATED

FISCAL ESTIMATE ☐ CORRECTED ☐ SUPPLEMENTAL

DOA-2048 N(R10/96)

LRB or Bill No./Adm. Rule No.: PSC 116

Amendment No. if Applicable:

Subject
Revision to Gas Safety Rule

Fiscal Effect

State: ☒ No State Fiscal Effect

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

☐ Increase Existing Appropriation ☐ Increase Existing Revenues
☐ Decrease Existing Appropriation ☐ Decrease Existing Revenues
☐ Create New Appropriation

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

☐ 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

State Fiscal Effects

There are no estimated state fiscal effects from the proposed changes to the Gas Safety Rule (PSC 135).

The proposed Gas Safety rule adopts the most recent federal rule on gas pipeline safety as state rule. The proposed Gas Safety rule changes the date for federal rules adopted by reference from July 1, 2007, to the effective date of the proposed rule.

In addition, the proposed rule updates state additions to the federal rule making them consistent with revised federal rule and clarifying, where possible, the intent of the federal rule. Some examples include: under PSC 135.305, the state rule clarifies the intent of the federal inspection requirement by establishing conflict of interest provisions for third party contractors; under revised PSC 135.465 and 135.481, the state rule provides a specific time period for compliance with federal rule where none is explicitly provided in federal rule; and, in PSC 135.615, the state rule provides specific guidelines for the federal rule requirement of a "prompt and effective response."

Other proposed changes to the Gas Safety rule clarify the state's intent in the current rule. For example, in PSC 135.365, the revisions clarify which buildings require additional safety regulations because they are used for public gatherings by specifying an actual person-capacity number.

The revised Gas Safety rule includes one new regulation. Under the revised rule, gas operators who discover a leaking compression joint must replace it with a welded joint. A gas operator may temporarily repair a leaking compression fitting, rather than immediately replacing it, but the rule eliminates the use of compression joints as a permanent repair.

The revisions to the Gas Safety rule do not change the inspection and reporting workload for state staff because the changes clarify the intent of current regulations. Therefore, the revised rule is not anticipated to have a state fiscal effect.

Local Fiscal Effects

There are no estimated local fiscal effects from the proposed changes to the Gas Safety rule. Local governments are not generally gas operators subject to the Gas Safety rule, and local governments do not have gas pipeline safety enforcement duties. Therefore, the revised Gas Safety rule is not estimated to have a local fiscal effect.

Fiscal Effect for Gas Operators

Gas operators are not estimated, as a group, to experience new net costs under the revised Gas Safety rule. Gas operators are already subject to the federal regulations the proposed rule incorporates. In addition, the majority of the changes to the rule do not add requirements absent under current federal or state rule. The changes make clear how gas operators are to comply with current federal and state rule. It is likely many gas operators already have procedures in place that comply with the updated state requirements. The proposed elimination of the use of compression fittings in gas lines is a new requirement for gas operators, but it is estimated to be cost neutral. Compression joints fail more quickly than welded joints and extra costs of replacing a compression joint with a welded joint in the short run are offset by saved excavation costs of more frequent repairs to a compression joint. Therefore, the revised Gas Safety rule is not estimated to have a fiscal effect.

Long-Range Fiscal Implications		
None		
Agency/Prepared by: (Name & Phone No.)	**Authorized Signature/Telephone No.**	**Date**
Anne Olson 267-9086	Anne Olson 267-9086	9/9/2010