

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Request of Spire Missouri Inc.     )  
for Waiver from Commission Rule 20 CSR 4240-     )     **File No.**  
40.030 (13)(BB)     )

**SPIRE MISSOURI INC'S REQUEST FOR WAIVER**

**COMES NOW** Spire Missouri Inc. ("Spire Missouri" or "Company"), on behalf of its operating units, Spire Missouri East ("Spire East") and Spire Missouri West ("Spire West") and hereby submits its Request for Waiver from Rule 20 CSR 4240-40.030(13)(BB) which adopts the Pipeline and Hazardous Materials Safety Administration's ("PHMSA") Rule 49 CFR §192.740 ("Section 192.740") pertaining to the testing and inspection of farm taps. In support of its request, Spire Missouri states as follows:

1.       On March 24, 2017, PHMSA implemented Section 192.740, which requires pressure regulating or limiting devices, automatic shut off devices and associated equipment on service lines directly connected to a production, gathering or transmission pipeline that is not part of a distribution system (also known as "farm taps"), be inspected and tested once every three years. Section 192.740 was then adopted into Commission Rule 20 CSR 4240-40.030(13)(BB).

2.       Effective March 26, 2019, PHMSA published in the federal register an announcement of enforcement discretion, in which PHMSA essentially waived the requirement of gas operators to comply with Section 192.740 where future risk associated

with farm taps is mitigated through compliance with the operator's Distribution Integrity Management Plan ("DIMP"), stating:

**SUMMARY:** PHMSA is announcing its exercise of enforcement discretion with respect to portions of its regulations that pertain to farm taps. Pursuant to the exercise of enforcement discretion announced in this document, PHMSA will not take enforcement action against operators who forego the new maintenance and inspection requirements established in March 2017 and instead mitigate any future risk associated with farm taps through compliance with the existing Distribution Integrity Management Program ("DIMP") regulations. This will provide regulatory flexibility to pipeline operators while at the same time maintaining an equivalent level of safety.

3. Spire Missouri currently incorporates its farm taps into its DIMP and going forward, will manage its farm taps through its DIMP consistent with PHMSA's March 26, 2019 announcement of enforcement discretion. The Company will therefore mitigate any future risk associated with the Company's farm taps through compliance with the Company's DIMP regulations.

4. The waiver of the Commission's gas safety rules is addressed in Rule 20 CSR 4240-40.030(18) which states:

Waiver of Compliance. Upon written request to the secretary of the commission, the commission, by authority order and under such terms and conditions as the commission deems appropriate, may waive in whole or part compliance with any of the requirements contained in this rule. Waiver will be granted only on a showing that gas safety is not compromised. If the waiver request would waive compliance with a federal requirement in 49 CFR par 192, additional actions shall be taken in accordance with 94 USC 60118.

Since Spire Missouri is mitigating risks associated with its farm taps through its DIMP, compliance with Section 192.740 and Rule 20 CSR 4240-40.030(13)(BB) is unnecessary

in maintaining the safety of the Company's farm taps. Spire Missouri has therefore shown that gas safety will not be compromised.

**WHEREFORE**, Spire Missouri, Inc. respectfully requests that the Commission grant its Request for Waiver.

Respectfully submitted,

*/s/Goldie T. Bockstruck*

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ATTORNEY FOR SPIRE MISSOURI INC.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing pleading has been duly served upon the General Counsel of the Staff and on the Office of the Public Counsel by hand delivery, email, fax, or United States mail, postage prepaid, on this 20<sup>th</sup> day of March, 2020.

*/s/Goldie T. Bockstruck* \_\_\_\_\_