BEFORE THE PUBLICSERVICE COMMISSION OF THE STATE OF MISSOURI

| In the Matter of an Update of the |) |
|--|-------------------------|
| Commission's Gas Safety and |) File No. GX-2021-0406 |
| Transportation Rules to Incorporate |) |
| Current Federal Reporting Requirements |) |

STAFF COMMENTS

COMES NOW the Staff of the Missouri Public Service Commission and states as follows:

- 1. Staff supports the proposed amendments to 20 CSR 4240-40.020, 40.030, and 40.080, published in the Missouri Register dated August 2, 2021. The proposed amendments include adoption of amendments to the corresponding federal pipeline safety standards and make clarifications and editorial changes to the Missouri gas safety rules. Attached to this filing are Staff's comments in support and Staff's further explanation of the proposed amendments.
- 2. Federal law requires that the state take measures to adopt each applicable federal pipeline safety standard within a prescribed period of time.¹ Goals are set for state programs by the Pipeline and Hazardous Materials Safety Administration (PHMSA) and enforcement of those goals is by reductions in federal grant-in-aid funding and the potential loss of federal certification² if those goals are not met.

¹ 49 U.S. Code § 60105 requires, among other things, that the state authority adopt each applicable federal pipeline safety standard by the date of its annual certification, or in the event a standard was established within 120 days before the date of the certification, be taking steps to adopt that standard.

² The Commission's Safety Engineering Department Staff is granted authority to implement the state pipeline safety program by annual certification from the United States Department of Transportation (DOT).

WHEREFORE, Staff respectfully submits these comments for the Commission's consideration and supports the proposed amendments to 20 CSR 4240-40.020, 40.030 and 40.080.

Respectfully submitted,

/s/ Jamie S. Myers

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 1st day of September, 2021, to all counsel of record.

/s/ Jamie S. Myers

File No. GX-2021-0406

Comments of the Staff of the Missouri Public Service Commission

Staff supports the proposed amendments to 20 CSR 4240-40.020, 40.030 and 40.080 published in the Missouri Register dated August 2, 2021. The proposed amendments to the Chapter 40 rules include the following:

- 20 CSR 4240-40.020 Incident, Annual, and Safety-Related Condition Reporting Requirements proposing to amend sections (2), (5), (6), (10), (11), (12) and (13)
 - The proposed amendment adopts changes in the federal pipeline reporting requirements of 49 CFR 191and revisions to the reporting forms.
- 20 CSR 4240-40.030 Safety Standards Transportation of Gas by Pipeline proposing to amend sections (1), (2), (3), (4), (5), (6), (9), (10), (12), (13), (16) and the Purpose, Appendix E and Authority section
 - The proposed amendment adopts changes in the federal pipeline safety standards. Amendments to the minimum federal safety standards of 49 CFR Part 192 are related to verification of the maximum allowable operating pressure and integrity management of natural gas transmission pipelines.
- 20 CSR 4240-40.080 Drug and Alcohol Testing proposing to amend section (1)
 - The proposed amendment adopts changes in the federal drug and alcohol testing regulations for pipeline operators.