

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held by telephone
and internet audio conference on
the 30th day of December, 2020.

In the Matter of the Application of)	
Roeslein Alternative Energy Services, LLC)	<u>File No. GE-2021-0049</u>
for a Permanent Waiver From Certain)	
Provisions of 20 CSR 4240-40.030)	

ORDER APPROVING APPLICATION FOR WAIVER

Issue Date: December 30, 2020

Effective Date: March 1, 2021

Roeslein Alternative Energy Services, LLC (RAES) applied on August 24, 2020, for waiver of compliance with gas odorization required by Commission Rule 20 CSR 4240-40.030(12)(P) in operation of a gas transmission line in Putnam County, Missouri. RAES also requested waiver of the 60-day notice requirement under 20 CSR 4240-4.017.

RAES' pipeline will transport "renewable natural gas" (RNG) about 4 miles for injection into the ANR interstate pipeline. RAES uses lagoons to harvest RNG from hog finishing farms. The Putnam County transmission line will connect a gathering system on Whitetail Farm to a point of injection on the ANR Pipeline, also in Putnam County. The line will also carry RNG gathered from three other farms, Green Hills, South Meadows and Locust Ridge. Gas in the ANR pipeline is not odorized, pursuant to the tariff established by the Federal Energy Regulatory Commission, so any odorant would have to be removed before injection in the interstate pipeline.

On December 8, 2020, Staff recommended that the Commission approve RAES' application for waiver subject to conditions. RAES indicated no objection to Staff's

recommendation to approve the application with the specified conditions, nor has any objection been received from the Office of the Public Counsel. There are no intervenors in this case.

The Commission may waive compliance with any of the requirements of Commission Rule 20 CSR 4240-40.030 upon a showing that gas safety is not compromised.¹ The Commission has reviewed and considered RAES' application and Staff's recommendation and determines waiver of the gas odorization requirement, with Staff's proposed conditions, will not compromise gas safety.

Staff's proposed conditions require leakage surveys and patrols at intervals of no more than four and one-half months, an annual class location study of the pipeline, and direct monitoring of the pipeline during excavation. In addition, no customers may be served from the pipeline in Missouri without Commission approval. Staff also recommends RAES be required to notify the Staff of the Commission no less than 60 days before starting construction on any new gas pipelines to transport gas from Green Hills, South Meadows and/or Locust Ridge farms to Whitetail Farm. Finally, any waiver granted in this order applies only to combustible gas transported in the 3.79-mile long intrastate gas transmission pipeline described in RAES' application in this case. Connection of an additional pipeline would require Commission approval.

The Commission will grant the waiver request with conditions, as recommended by Staff.

In addition, the Commission will grant RAES' request for waiver of the 60-day notice requirement under 20 CSR 4240-4.017. The Commission finds good cause exists

¹ 20 CSR 4240-40.030(18).

for waiver, based on RAES' verified declaration that it had no communication with the Office of the Commission regarding substantive issues in the application within 150 days before RAES filed its application.

Finally, federal law requires at least 60 days' written notice to the U.S. Secretary of Transportation, pursuant to 49 U.S.C. § 60118, when a state commission would waive a requirement under 49 C.F.R. part 192. Contact information posted on the U.S. Department of Transportation website requests electronic communications rather than correspondence by mail, given the COVID-19 pandemic.² The Commission will direct immediate written notice of this order to the Secretary of the U.S. Department of Transportation by email to the address provided on the department's website. To accommodate the notice requirement, the Commission will make this order effective 61 days after the date of issuance.

THE COMMISSION ORDERS THAT:

1. RAES' application for waiver from compliance with gas odorization required by Commission Rule 20 CSR 4240-40.030(12)(P) in operation of a gas transmission line in Putnam County, Missouri, is granted, subject to the following conditions:
 - a. RAES may not serve any Missouri customers from the gas transmission pipeline in Putnam County, Missouri, subject to this waiver without prior Commission approval;
 - b. RAES shall conduct leakage surveys and patrols along the entire length of the pipeline at intervals not exceeding four and one-half months and at least four times per calendar year;

² Assistance to the Public During COVID-19, U.S. Department of Transportation (March 27, 2020), <https://www.phmsa.dot.gov/news/assistance-public-during-covid-19> (accessed Dec. 22, 2020) (requesting correspondence via email and providing list of email addresses).

- c. RAES shall conduct an annual class location study of the gas transmission pipeline in Putnam County, Missouri, and notify Commission Staff of any class location changes within 30 days of discovery;
 - d. Whenever RAES is aware, through notice by Missouri One Call or another source, that the pipeline lies within the area described in a notice of excavation, or is within 2 feet of such area, in addition to following the requirements of Chapter 319 of the Revised Statutes of Missouri to locate its line, RAES will have personnel onsite to monitor for damage to its pipeline during excavation;
 - e. RAES shall notify Commission Staff no fewer than 60 days before starting construction on any new gas pipeline that would transport combustible gas from the Green Hills, South Meadows and/or Locust Ridge farms to Whitetail Farm; and
 - f. Waiver under this order is limited to the intrastate gas transmission pipeline described in RAES' application in this case. Commission approval is necessary to extend a waiver to any additional pipeline connected to the pipeline described and considered in this case.
2. The 60-day notice requirement of Commission Rule 20 CSR 4240-4.017(1) is waived for good cause.
3. By no later than 5 p.m. December 30, 2020, the Commission's data center shall provide written notice of this order to the U.S. Secretary of Transportation by attaching a copy of this order in an email message addressed to PHMSA.Pipelinesafety@dot.gov with "Notice to Secretary of Transportation" indicated in the subject line.
4. This order shall be effective on March 1, 2021.

5. This file shall close on March 2, 2021.



BY THE COMMISSION

A handwritten signature in dark ink, reading "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and
Holsman CC., concur.

Jacobs, Regulatory Law Judge