

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

In the Matter of the Application of)
Various Members of the Missouri)
Association of Natural Gas Operators) **File No. GE-2000-543**
For a Permanent Waiver from Certain)
Provisions of 4 CSR 240-40.030)

**NOTICE OF FILING OF USDOT LETTER
CONCURRING WITH ORDER GRANTING WAIVER**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for this notice of filing hereby respectfully states:

1. This docket originated in 2000, when members of the Missouri Association of Natural Gas Operators (“MANGO”) applied for a permanent waiver from certain provisions of Commission Rule 4 CSR 240-40.030(6), one of the Commission’s gas safety rules. The Commission issued its order granting that waiver in June 2000.

2. With this filing, Staff is submitting a letter from the U.S. Department of Transportation (USDOT) concurring with the Commission’s June 2000 order granting the waiver. This letter, attached here, incorporated by reference and further described below, was received by the Secretary/Chief Regulatory Law Judge of the Commission in August 2000 and placed in the “Letter File” for this docket. The letter should be made part of the electronic public record in this docket.¹

3. In this case the MANGO applicants sought waiver of certain gas safety rules relating to qualifications of people making joints in plastic gas pipe. Specifically, the applicants requested waiver of Commission Rule 4 CSR 240-40.030(6)(H)3, which requires any person making joints in plastic gas pipe to be re-qualified under an

¹ On November 4, 2014, Summit Natural Gas of Missouri, Inc. submitted an application for a similar waiver to that approved in this docket. Summit’s application is Case No. GE-2015-0112.

applicable procedure if, during any 12-month period, such person (1) does not make any joints under that procedure, or (2) has three joints or 3 percent of joints made under that procedure found to be unacceptable. This Commission rule corresponds to the federal rule at 49 CFR 192.285(c). The applicants offered an alternative procedure, which they claimed ameliorated some scheduling problems arising out of the rule's strict 12-month period.

4. Staff recommended the Commission grant the waiver, and the Commission did so in June 2000.

5. As noted in Staff's recommendation, federal gas safety rules require that the Secretary of Transportation receive notice of a state waiver at least 60 days prior to the waiver's effective date.²

6. The Commission properly provided such notice to the USDOT. The Commission received the attached letter from the USDOT dated July 20, 2000, concurring in the Commission's decision and stating that the DOT had no objection to the waiver. At the time, the letter from the USDOT was placed in a "Letter File" associated with this case and retained in the case papers in the Commission's Records Department.³

7. To ensure the electronic public record is clear as to the DOT's concurrence with the Commission's order granting the waiver in this matter, Staff hereby submits the USDOT's concurrence letter, attached hereto and incorporated by reference, for filing in this docket.

² 49 U.S.C. § 60118(d). If the Secretary objects in writing, the waiver is stayed. Pursuant to U.S.C. § 60104(c), Missouri's gas safety state in 4 CSR Chapter 40 rules must be at least as stringent as the USDOT's federal pipeline safety rules at 49 CFR Part 192.

³ Now called the Commission's Data Center.

WHEREFORE, Staff submits the attached letter from the U.S. Department of Transportation concurring with the Commission's June 2000 *Order Granting Waiver* in this matter.

Respectfully Submitted,

/s/ John D. Borgmeyer

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CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing were served electronically to all counsel of record this 4th day of November, 2014.

/s/ John D. Borgmeyer



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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Records
Public Service Commission

letter file

GE-2000-543

400 Seventh Street, S.W.
Washington, D.C. 20590

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65102

Dear Mr. Roberts:

This concerns the Commission's order in Case No. GE-2000-543, a petition for waiver of 49 CFR 192.285(c) submitted by the Missouri Association of Natural Gas Operators on behalf of certain gas distribution operators. Section 192.285(c) requires persons to requalify to make plastic pipe joints if in any 12-month period, the person does not make a joint or makes a certain number of unacceptable joints. The order waives this requirement for persons who requalify annually, at intervals not exceeding 15 months. In addition, for electrofusion and mechanical joints, the order allows persons to requalify by participating in a review of the proper joining procedures leading up to production of a joint.

The rationale for the waiver is that compliance with 49 CFR 192.285(c) involves extensive recordkeeping and does not allow sufficient flexibility in scheduling requalifications. Also, because electrofusion and mechanical joints involve physical processes that do not require a high level of personal knowledge and skill to implement, requalification by process review rather than by inspecting and testing a completed joint is considered a satisfactory measure of a person's ability to continue to make sound joints after initial qualification.

We note that the Commission analyzed the alternatives allowed by the order and concluded there would be no loss of safety. We concur in this conclusion and have no objection to the waiver.

Sincerely,

Stacey L. Gerard
Acting Associate Administrator for Pipeline Safety

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
June 16, 2000**

CASE NO: GE-2000-543

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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge