

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of the Missouri Association of Natural Gas Operators, Inc. for a Permanent Waiver From the Provisions of 20 CSR 4240-40.020(2)(D)1B for Estimated Property Damage Threshold for a Federal Incident, and 20 CSR 4240-40.020(7)(B) Distribution System Mechanical Fitting Failure Reports)
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) **File No. GE-2022-0214**
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ORDER DIRECTING RESPONSES

Issue Date: February 9, 2022

Effective Date: February 9, 2022

On February 7, 2022, the Missouri Association of Natural Gas Operators, Inc. (MANGO) filed an application with the Commission requesting a permanent waiver of for its members from the provisions of 20 CSR 4240-40.020(2)(D)1B, which requires federal reporting at \$50,000.00 property damage; and from 20 CSR 4240-40.020(7)(B), which sets the requirement for annual distribution system Mechanical Fitting Failure reports. MANGO's members are investor owned or municipal utility natural gas operators in the state of Missouri that operate a natural gas distribution system. MANGO asserts that its members are under the jurisdiction of the Commission.

MANGO's application points out that the Commission's rules and the federal regulations are currently misaligned as the applicable federal regulations were amended effective March 12, 2021. The federal regulations reporting threshold for property damage is now \$122,000.00, and the federal requirement for annual reports on Mechanical Fitting Failures was entirely removed.

This request for a permanent waiver would effectively alter the Commission's rules. The Commission has the authority to promulgate rules pursuant Section 386.250(6), and

so this application for waiver may be better addressed as a petition for rule amendment and repeal pursuant to Section 536.041 RSMo, with the goal of aligning the Commission's rules with existing federal regulations.

Therefore, the Commission will direct MANGO to respond as to whether it believes a petition for rulemaking is appropriate. The Commission will also direct its Staff to respond as to whether it believes a change to the Commission's rules to reflect federal requirements is appropriate.

THE COMMISSION ORDERS THAT:

1. No later than February 22, 2022, MANGO shall file a pleading indicating whether a rulemaking is appropriate, or in the alternative shall file a petition for rulemaking.
2. No later than February 22, 2022, the Commission's Staff shall file a pleading about whether it is appropriate to amend the Commission's rules to reflect MANGO's requested relief.
3. This order is effective when issued.



BY THE COMMISSION

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

John T. Clark, Senior Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 9th day of February, 2022.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission,
at Jefferson City, Missouri, this 9th day of February, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

February 9, 2022

File/Case No. GE-2022-0214

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



Morris L. Woodruff
Secretary

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.