

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 22nd
day of February, 2023.

In the Matter of the Application of Roeslein)
Alternative Energy, LLC for a Permanent)
Waiver From Certain Provisions of 20 CSR)
4240-40.030 (Badger-Wolf Line))

File No. GE-2023-0201

ORDER APPROVING APPLICATION FOR WAIVER

Issue Date: February 22, 2023

Effective Date: April 25, 2023

On December 22, 2022, Roeslein Alternative Energy Services, LLC (RAES) applied for waiver of compliance of Commission rules. RAES asks for a waiver of Commission Rule 20 CSR 4240- 40.030(3)(I)3.B.(I) regulating gas pressurization, and of Commission Rule 20 CSR 4240-40.030(12)(P) regulating gas odorization.

RAES asks for a waiver of those rules in operation of a gas transmission line in Sullivan and Mercer Counties. Specifically, RAES is constructing a network of transmission lines from renewable natural gas processing facilities on the Badger-Wolf Farm in Sullivan County to a point of injection on the existing RAES pipeline in Mercer County, Missouri (the "Somerset Line"). RAES also requested waiver of the 60-day notice requirement under 20 CSR 4240-4.017.

On January 30, 2023, 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 pressurization and gas odorization requirements, with Staff's proposed conditions, will not compromise gas safety. 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 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. 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 pressurization required by Commission Rule 20 CSR 4240- 40.030(3)(l)3.B.(l), and gas odorization

¹ 20 CSR 4240-40.030(18).

required by Commission Rule 20 CSR 4240-40.030(12)(P), in operation of a gas transmission line in Sullivan and Mercer Counties is granted, subject to the following conditions:

- a. RAES may not serve any Missouri customers from this pipeline without prior Commission approval;
- b. To the extent that placement of pipeline markers does not interfere with soil or crop cultivation, RAES shall install additional pipeline markers to provide markers at a minimum of line-of-sight distance along the length of the pipeline;
- c. RAES shall perform a minimum 8 hour pressure test in accordance with 20 CSR 4240-40.030(12)(M)1.B.(I) and 20 CSR 4240-40.030(10)(G) for the intrastate transmission pipeline from the Badger-Wolf Farm to a point of injection on the existing Somerset Line to establish a Maximum Allowable Operating pressure (MOAP) of 125 psig;
- d. If natural gas is used as the test medium in the pressure test conducted in accordance with the requirements of 20 CSR 4240-40.030(10)(G), RAES shall develop and follow a written procedure to conduct the testing in a manner consistent with protecting public safety, including but not limited to continuous monitoring of pressure gauges during the test to detect indications of leakage, and monitoring for leakage along the pipeline right-of way during the testing. A copy of this written procedure will be provided to Commission Staff for review prior to conducting the test;
- e. RAES shall conduct a leakage survey before and after the pressure test to 188 psig from the Badger-Wolf Farm a point of injection on the existing Somerset Line to establish a MAOP of 125 psig;
- f. All leaks from the leakage surveys must be repaired prior to operating above 100 psig;
- g. RAES shall install and utilize instrumentation to continuously monitor and record the temperature of all gas sources prior to introduction into the pipeline;
- h. RAES shall utilize automatic controls to limit the temperature of all gas sources introduced into the pipeline to no higher than 73°F;
- i. RAES shall conduct leakage surveys with instrumented gas leakage detection equipment and patrols along the entire length of the pipeline at intervals not exceeding four and one-half (4½) months, but at least four (4) times per calendar year;
- j. Each detected leak indication or any leak call from the general public, police, fire or other authorities or notification of damage to facilities by contractors or other outside sources shall require immediate investigation and classification as required in 20 CSR 4240-40.030(14);
- k. Leaks shall be repaired as required in 20 CSR 4240-40.030(14), except that any Class 2 and Class 3 leaks must be repaired within 15 days. All Class 1 leaks shall require immediate corrective action;

- I. RAES shall conduct a class location study that includes identification of any new High Consequence Areas and Moderate Consequence Areas of the RAES transmission pipeline annually, notifying Commission Staff of any class location changes within 30 days of discovery;
 - m. Whenever RAES is made aware (through notification by Missouri One Call, or other source) that its pipeline lies within the area described in the notice of excavation, or is within two (2) feet of such area, in addition to following the requirements of RSMo Chapter 319 to locate its line, RAES will have personnel onsite monitoring for damages to its pipeline during excavation work; and
 - n. These waivers of compliance (for both design pressure limit and odorization) are only applicable to the approximately 13.3 mile long intrastate gas transmission pipeline described in the RAES Application.
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. February 22, 2023, 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 PHMSAOPSSStateWaivers@dot.gov with "Notice to Secretary of Transportation" indicated in the subject line.
4. This order shall be effective on April 25, 2023.
5. This file shall close on April 26, 2023.



BY THE COMMISSION

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

Morris L. Woodruff
Secretary

Rupp, Chm., Coleman, Holsman, and
Kolkmeier CC., concur.

Pridgin, Regulatory Law Judge

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 22nd day of February, 2023.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

February 22, 2023

File/Case No. GE-2023-0201

**Missouri Public Service
Commission**

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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.