

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

In the Matter of the Establishment of a Working Case for the Review and Consideration of Amending the Commission's Natural Gas Safety Rules.)) File No. GW-2023-0272)

AMEREN MISSOURI’S INITIAL COMMENTS

COMES NOW Union Electric Company d/b/a Ameren Missouri (“Company” or “Ameren Missouri”), and responds to the Missouri Public Service Commission's ("Commission") *Order Opening a Working Case to Consider Amending the Commission's Natural Gas Safety Rules* effective March 8, 2023, which directs any stakeholder wishing to submit written comments regarding Staff's proposed rule amendments to do so on or before April 3, 2023. Ameren Missouri provides the following initial comments:

1. As a preliminary matter, Ameren Missouri appreciates the opportunity to provide these Comments and otherwise participate in this docket.
2. With regard to the proposed adoption of recent Federal Amendments described in Staff's Attachment A to their Motion, Ameren Missouri has no concerns or suggested edits.
3. With regard to Staff's proposed amendments as set out in Attachment B to their Motion, the Company has no concerns with or edits to parts 1 and 3. Part 1 adjusts the reporting threshold for Missouri Incidents as defined in 20 CSR 4240-40.020(4)(A)1 for inflation. Part 3 updates references to the current reporting form revisions.
4. However, with regard to part 2 as set out in Attachment B to Staff's Motion, the Company has concerns with certain proposed revisions to 20 CSR 4240-40.020(4)(A)(1) — specifically, 20 CSR 4240-40.020(4)(A)(1)B, D, E, F and G. While Company appreciates Staff's willingness to review the parameters for what constitutes a Missouri-reportable event again

following the discussions in File No. GW-2022-0237, the Company is concerned that the proposed revisions are ambiguous making it more difficult for operators to know when a report is required.

- a. Regarding Staff's proposed revisions to 20 CSR 4240-40.020(4)(A)(1)B, the Company notes that the terminology used in subsection 1(i) of the definition of "Incident" under the federal rules, 49 CFR § 191.3, "personal injury necessitating in-patient hospitalization" is well understood. Staff's revision moves away from the PHMSA definition, and what constitutes "medical care" is undefined and unclear.
- b. Regarding Staff's proposed addition of 20 CSR 4240-40.020(4)(A)(1)D & E, it is the regular practice of the Company to evacuate buildings and structures as a preventive measure to ensure public safety. The Company has the following concerns with changing the incident reporting threshold to include criteria based on number of buildings and/or people evacuated:
 - i. If a person calling in a gas odor complaint is advised to evacuate the building as a preventative measure, that person may, in turn, notify nearby residents, neighbors, etc. so that tracking the number of buildings or people who evacuate may not be known by the Company, and even if known eventually, may very likely not become known within the two-hour window contemplated in the Rule.
 - ii. It is common for public safety officials to evacuate buildings prior to the Company fully appraising the situation. In these circumstances, the Company may not be aware of the extent and timeline of the evacuation in order to comply with the Rule.

- iii. These criteria are not a consistent measure or indication of the scope or risk of the incident.
- iv. This reporting criteria adds a discretionary element that may vary within organizations and between operators.
- v. This rule change will result in a significant increase in notifications to the Commission Pipeline Safety Personnel.

Therefore, the Company recommends removing proposed reporting criteria based on number of buildings and/or people evacuated. However, the Company would like to better understand how the Commission Pipeline Safety Personnel anticipates this information would be used to better protect public health and safety, and may be able to propose alternative language to achieve those goals.

- c. Regarding Staff's proposed addition of 20 CSR 4240-40.020(4)(A)(1)F, the term "explosion" should be further defined and the causal link for the event clarified. Therefore, the Company would recommend the following alternative language: **F. A fire or explosion in one or more buildings caused by a release of gas.**
- d. Regarding Staff's proposed addition of 20 CSR 4240-40.020(4)(A)(1)G, the term "immediate hazard" should be clarified and the final portion ("and which has not been made safe within 8 hours after discovery by the operator") stricken. The final portion ("and which has not been made safe within 8 hours after discovery by the operator") is at odds with the two-hour timeframe from discovery for the reporting obligation under the Rule.

5. With regard to the proposed amendments to 20 CSR 4240-40.030 described in Staff's Attachment C to their Motion, Ameren Missouri has no concerns or suggested clarifications or edits.

Respectfully submitted,

/s/ Jermaine Grubbs

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Dated: April 3, 2023

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been emailed to the parties of record on this 3rd day of April, 2023.

/s/ Jermaine Grubbs
Jermaine Grubbs