

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

In the Matter of an Investigation into City Utilities of	)	
Springfield Plastic Pipe Failures and the Adequacy	)	<b><u>Case No. GS-2004-0257</u></b>
of Its Leak Survey Procedures, Installation	)	
Procedures and Replacement Criteria	)	

**OPINION OF COMMISSIONER STEVE GAW**  
**CONCURRING IN PART AND DISSENTING IN PART**

This Commissioner concurs in part and dissents in part from this Order. Although it appears that the recommendations of Staff have been followed by City Utilities of Springfield, this Commissioner believes it is important to replace pre-1982 plastic pipe in areas where rock backfill surrounds the line as soon as possible. While there is a proposed deadline in 2007 for work to be completed on lines that are known to be surrounded by rock backfill it is not known how much additional pre-1982 line might be lying in rock backfill. Furthermore, there is no deadline for replacement of other pre-1982 line.

It is important to have an aggressive leak testing program in light of a previous fatality involving brittle plastic pipe and rock backfill and a higher incidence of leaks in the pre-1982 pipe than the post-1982 pipe. Even though it is evident that the pre-1982 pipe used in Springfield is not safe, no firm deadline to replace all of the pre-1982 plastic pipe has been established. A firm replacement plan with an adequate deadline should be Staff's priority. Anything less, should not be acceptable.

It is clear that rock backfill next to this pipe can have disastrous results. Yet, even though it is not clear whether all of the areas of rock backfill have been discovered, staff's recommendation grants City Utilities an additional three years from discovery to replace the pipe.

Finally, it seems evident that the earlier conclusion in the Commission's Order in Case No. GS-2004-0040 regarding the incident at Empire Fairgrounds was incomplete in at least one point. The Commission in its Order could not determine that City Utilities was responsible for placing rock fill next to the line that leaked leading to the explosion causing the death of a Springfield man in 2003. Since that time, growing evidence suggests that the use of such rock fill along City Utilities plastic lines, a violation of gas safety rules, was not an isolated incident. Yet, despite the fact that multiple sites using such backfill have been identified, no complaint for violations of gas safety rules has been filed with the Commission.

Consistent with past concerns, this Commissioner continues to question whether the gas safety rules in Missouri are anything more than mere guidelines. Gas safety rules must be enforced if they are to have real meaning and effect in protecting the safety of our citizens.

Respectfully Submitted



Steve Gaw  
Commissioner

Dated at Jefferson City, Missouri,  
on this 27<sup>th</sup> day of February, 2006.