

LAW OFFICES  
**BRYDON, SWEARENGEN & ENGLAND**

PROFESSIONAL CORPORATION

312 EAST CAPITOL AVENUE

P.O. BOX 456

JEFFERSON CITY, MISSOURI 65102-0456

TELEPHONE (573) 635-7166

FACSIMILE (573) 635-3847

E-MAIL: DCOOPER@BRYDONLAW.COM

DAVID V.G. BRYDON  
JAMES C. SWEARENGEN  
WILLIAM R. ENGLAND, III  
JOHNNY K. RICHARDSON  
GARY W. DUFFY  
PAUL A. BOUDREAU  
SONDRA B. MORGAN  
CHARLES E. SMARR

DEAN L. COOPER  
MARK G. ANDERSON  
GREGORY C. MITCHELL  
BRIAN T. MCCARTNEY  
DIANA C. FARR  
JANET E. WHEELER

OF COUNSEL  
RICHARD T. CIOTTONI

November 26, 2002

Secretary  
Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**FILED<sup>3</sup>**  
NOV 26 2002

**RE: Case No. GE-2003-0137**

Missouri Public  
Service Commission

Dear Mr. Roberts:

Enclosed for filing in the above-referenced proceeding please find an original and eight copies of the Missouri Association of Natural Gas Operators Motion for Leave to Amend Application. Please stamp the enclosed extra copy "filed" and return same to me.

If you have any questions concerning this matter, then please do not hesitate to contact me. Thank you very much for your attention to this matter.

Sincerely,

BRYDON, SWEARENGEN & ENGLAND P.C.

By:

  
Dean L. Cooper

DLC/tli  
Enclosures  
cc: General Counsel  
Office of the Public Counsel

FILED<sup>3</sup>

NOV 26 2002

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Missouri Public  
Service Commission

In the matter of the application of various )  
members of the Missouri Association of Natural )  
Gas Operators for a permanent waiver from )  
certain provisions of 4 CSR 240-40.030 (9)(Q) and )  
49 CFR Part 192.481 for Intervals of Atmospheric )  
Corrosion Inspections.

Case No. GE-2003-0137

**MOTION FOR LEAVE TO AMEND APPLICATION**

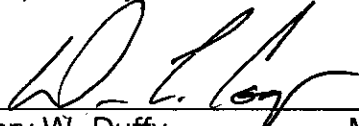
COME NOW the Applicant members ("the Applicants") of the Missouri Association of Natural Gas Operators ("MANGO") and as their motion for leave to amend application state as follows to the Missouri Public Service Commission ("Commission"):

1. Commission Rule 4 CSR 240-2.075(21) provides that a pleading may be amended at any time by leave of the Commission.
2. On October 8, 2003, the Applicants an Application for Permanent Waiver of Compliance. The Commission has not yet ruled on the application.
3. Since the filing of the application, Atmos Energy Corporation ("Atmos") has sought to include all its Missouri properties, in addition to Greeley Gas Company, which was an original applicant.
4. Thus, the Applicants seek to amend their application to include all Atmos properties. Attached hereto as Appendix A is the Applicants proposed First Amended Application for Permanent Waiver of Compliance.
5. Granting the requested leave to amend will not change the underlying substantive issues to be addressed by the Commission and may eliminate the possible need for a separate case in the future to address identical issues. Therefore, a grant of

this motion should not prejudice any of the parties and may assist with the efficient and economic progress of this litigation.

WHEREFORE, the Applicants pray for an order granting their motion for leave to amend application and directing that the attached First Amended Application for Permanent Waiver of Compliance be filed with the Commission.

Respectfully submitted,

  
\_\_\_\_\_  
Gary W. Duffy                      MoBE # 24905  
Dean L. Cooper                    MBE#36592  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 E. Capitol Avenue  
P. O. Box 456  
Jefferson City, MO 65102  
(573) 635-7166  
(573) 635-3847 facsimile  
[dcooper@brydonlaw.com](mailto:dcooper@brydonlaw.com)

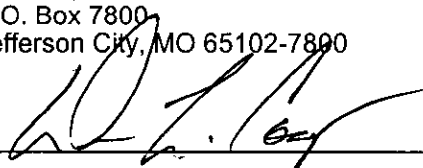
ATTORNEYS FOR APPLICANTS

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was hand-delivered, on this 26 day of November, 2002:

General Counsel  
Missouri Public Service Commission  
Governor State Office Building  
P.O. Box 360  
Jefferson City, MO 65102-0360

Mr. Doug Micheel  
The Office of the Public Counsel  
6<sup>th</sup> Floor, Governor State Office Building  
P.O. Box 7800  
Jefferson City, MO 65102-7800

  
\_\_\_\_\_

**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 for a permanent waiver from	)	Case No. GE-2003-0137
certain provisions of 4 CSR 240-40.030 (9)(Q) and	)	
49 CFR Part 192.481 for Intervals of Atmospheric	)	
Corrosion Inspections.		

**FIRST AMENDED APPLICATION FOR  
PERMANENT WAIVER OF COMPLIANCE**

**COME NOW** the below-listed members ("the Applicants") of the Missouri Association of Natural Gas Operators ("MANGO") in conjunction with the Leak Survey Committee of MANGO, pursuant to 4 CSR 240-40.030(16) and 49 USC §60118(d), and respectfully state as follows:

The Applicants in this proceeding are as follows:

City of Hermann, Missouri  
City of Middletown, Missouri  
City of Stanberry, Missouri  
City of New Haven, Missouri  
City of Berger, Missouri  
City of Albany, Missouri  
City of Bernie, Missouri  
City of Granby, Missouri  
City of Fulton, Missouri  
City of Madison, Missouri  
Green City, Missouri  
Montgomery City, Missouri  
City Utilities of Springfield, Missouri  
Union Electric Company, d/b/a AmerenUE  
City of Perryville, Missouri  
City of Hamilton, Missouri  
City of Milan, Missouri  
Laclede Gas Company  
City of Kennett, Missouri  
Missouri Pipeline Company

Omega Pipeline Company  
Missouri Interstate Gas  
Missouri Gas Company  
Aquila, Inc.  
City of Wheaton  
Fidelity Natural Gas, Inc.  
Atmos Energy Corporation ("Atmos"), which formerly operated under the names  
United Cities Gas Company, Greeley Gas Company and Atmos Energy  
Division (the former Associated Natural Gas properties)  
City of St. Robert, Missouri  
Southern Missouri Gas Co. L.P.  
Missouri Gas Energy, a division of Southern Union Company  
City of Bethany, Missouri  
City of Macon, Missouri  
City of Gallatin, Missouri  
City of Paris, Missouri

Each of the Applicants operates a natural gas distribution system in Missouri. Those Applicants who are corporations or other business entities request that they not be required to produce a certified copy of their articles of incorporation or certificates of authority to do business in Missouri, or registrations of fictitious names, as otherwise required by 4 CSR 240-2.060(11) for this application, because of the voluminous nature of the materials that would be required for this application, and because each of them is already well-known to the Commission, having obtained certificates of public convenience and necessity and having participated in numerous cases before the Commission. The other Applicants are political subdivisions of the State of Missouri. All of the Applicants, in some fashion, are already subject to the regulation of the Commission. The Commission granted such relief in a similar waiver request in Case No. GE-2000-543.

2. Communications in regard to this Application should be addressed to:

Gary W. Duffy/ Dean L. Cooper  
Brydon, Swearingen & England P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, Missouri 65102-0456

3. The Applicants request that the Commission grant a permanent waiver of compliance ("waiver") for their gas distribution systems operating in Missouri. The purpose of the waiver is to exempt the Applicants from the provisions of 4 CSR 240-40.030(9)(Q) and from 49 CFR 192.481 which require them to reevaluate each pipeline that is exposed to the atmosphere at intervals not exceeding three (3) years. The pipelines subject to this waiver would only be service lines as set forth at 4 CSR 240-40.030(1)(B)24. of the Commission's Pipeline Safety Rules and at 49 CFR Part 192.3 of the federal Pipeline Safety Rules. As an alternative to the current requirement that a reevaluation be conducted at intervals not exceeding three years, the Applicants request a permanent waiver requiring instead that reevaluations be conducted at intervals not exceeding thirty-nine (39) months, but at least once each third calendar year.

4. The Applicants' primary concern with the use of the existing interval is that a reevaluation interval beyond three years is not permitted while an instrument leak detection survey required by 4 CSR 240-40.030(13)(M)2.B.(II) is permitted to exceed three (3) years to the extent that the interval does not exceed thirty-nine months, and is completed at least once each third calendar year.

5. The Applicants submit that atmospheric corrosion inspections required by 4 CSR 240-40.030(9)(Q) are most efficiently scheduled and completed during the very

same leak surveys required by 4 CSR 240-40.030(13)(M)2.B.(II) and therefore should have the same inspection intervals.

6. In support of its request for this waiver, the Applicants submit that gas safety would not be compromised by the granting of this waiver because the interval for atmospheric corrosion inspections would not be substantially changed and the relative risk associated with the slow corrosion process for metallic piping exposed to the atmosphere is no higher than the corrosion process which can take place on buried piping that is found through cathodic protection monitoring and leak surveys. In fact, gas safety will be enhanced by a granting of the waiver in that it will permit the Applicants to use the resources devoted to safety more efficiently.

7. In further support of their request for this waiver, the Applicants submit that intervals for monitoring of cathodic protection required 49 CFR 192.465 were extended by Amendment 192-33, Docket No. PS-50, effective September 5, 1978, from every twelve (12) months, to "once each calendar year, but with intervals not to exceed fifteen (15) months," for the sole purpose of allowing operators greater flexibility in scheduling inspections without compromising gas safety. This was adopted by the Commission in 1989 in 4 CSR 240-40.030(9)(I)1.

8. In further support of its request for this waiver, the Applicants also note that intervals for leakage surveys within business districts required in 49 CFR 192.723(b)(1) are also defined to allow scheduling flexibility by permitting surveys to be conducted "at intervals not exceeding fifteen (15) months but at least once each calendar year." This same scheduling flexibility has also been extended to Missouri natural gas operators for leakage surveys outside business districts in 4 CSR 240-

40.030(13)(M)1.B. by requiring intervals, more stringent than federal requirements, of "thirty-nine (39) months, but at least once each third calendar year."

9. In final support of its request for this waiver, the Applicants note that in Case No. GE-2000-543, the Commission granted various members of the Missouri Association of Natural Gas Operators (Members) a permanent waiver from certain provisions of 4 CSR 240-40.030(6)(H)3., which corresponds to 49 CFR 192.285(c), regarding intervals of re-qualification for persons under an applicable plastic joining procedure. As an alternative to a strict twelve (12)-month re-qualification interval listed as an option in the requirements of the rule, that waiver allows the Members who sought the waiver to re-qualify persons in plastic joining procedures "at least once each calendar year, but at intervals not exceeding 15 months." The granting of that waiver was not inconsistent with gas pipeline safety and was done so in part to allow greater flexibility in re-qualification scheduling. The federal Office of Pipeline Safety was notified of the granted waiver and did not object. Similarly, scheduling flexibility for atmospheric corrosion inspections is being sought with this application.

WHEREFORE, for the foregoing reasons, the Applicants request that the Commission issue an order granting them, their successors and assigns, a permanent waiver of compliance from the requirement to reevaluate each pipeline that is exposed to the atmosphere at intervals not exceeding three years and instead, as an alternative, require that such a reevaluation be conducted at intervals not exceeding thirty-nine months, but at least once each third calendar year, and that upon the granting of such relief, the Commission's order be sent to the federal Office of Pipeline Safety for review and the opportunity to object.



W.D. # \_\_\_\_\_ M.D. # 0400

Gary W. Duffy MoBE # 24905  
Dean L. Cooper MBE#36592  
Brydon, Swearngen & England P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, Missouri 65102-0456  
Telephone: 573 635-7166  
Facsimile: 573 635-3847  
Email: [Duffy@Brydonlaw.com](mailto:Duffy@Brydonlaw.com)  
Attorneys for Applicants

## VERIFICATION

[illegible]

The undersigned, being first duly sworn, states that he has read the foregoing First Amended Application for Permanent Waiver and that the facts contained therein are true and correct to the best of his knowledge, information and belief, and the undersigned is authorized to act as legal counsel for the Applicants in this proceeding.

information and belief, and the undersigned in this proceeding.

W. J. Hay

Subscribed and sworn to before me this 26<sup>th</sup> day of November, 2002.



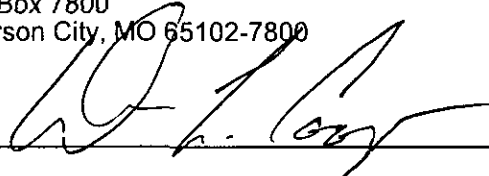
Hen Racker

Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was hand-delivered, on this 26<sup>th</sup> day of November, 2002:

General Counsel  
Missouri Public Service Commission  
Governor State Office Building  
P.O. Box 360  
Jefferson City, MO 65102-0360

Mr. Doug Micheel  
The Office of the Public Counsel  
6<sup>th</sup> Floor, Governor State Office Building  
P.O. Box 7800  
Jefferson City, MO 65102-7800

  
\_\_\_\_\_