

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
June 16, 2000**

CASE NO: GE-2000-543

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Gary W. Duffy
Brydon, Swearngen & England, P.C.
312 East Capitol Avenue
P. O. Box 456
Jefferson City, MO 65102

Richard B. Felder
Associate Administrator for Pipeline Safety
U.S. Dept. of Transportation – RSPA/Office
of Pipeline Safety
400 Seventh Street, S.W., Room 2335
Washington, D.C. 20590

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

*Corrected +
Done by nh -
6/16/00*

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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in dark ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 15th
day of June, 2000.

In the Matter of the Application of)	
Various Members of the Missouri)	
Association of Natural Gas Operators)	<u>Case No. GE-2000-543</u>
for a Permanent Waiver from Certain)	
Provisions of 4 CSR 240-40.030)	

ORDER GRANTING WAIVER

On March 7, 2000, various members of the Missouri Association of Natural Gas Operators (MANGO) filed with the Missouri Public Service Commission (Commission) an application for a waiver from Commission Rule 4 CSR 240-40.030 (gas safety rule), pursuant to Commission Rule 4 CSR 240-40-030(16) which states:

Upon written request to the secretary of the commission, the commission, by authority order, and under such terms and conditions as the commission deems appropriate, may waive in whole or part compliance with any of the rules and requirements contained in the rule which are more stringent than minimum federal requirements. Waivers will be granted only on a showing that gas safety is not compromised. If any such request is denied, the denial will be in writing and state the reason(s) therefor.

MANGO stated that it is filing its application in conjunction with the Plastic Joining Process Committee of MANGO. MANGO stated that it is composed of Utility Consultants, Inc. as the operator on behalf of the following Missouri cities: Berger, Green City, Hermann, Liberal, Mercer,

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Middletown, Milan, New Haven, Princeton, Unionville, and Waynesville; the following companies: Fidelity Natural Gas, Greeley Gas Company, Laclede Gas Company, Missouri Gas Company, Missouri Gas Energy, a division of Southern Union Company, Missouri Pipeline Company, Omega Pipeline Company, Southern Missouri Gas Company, L.P., St. Joseph Light & Power Company, Union Electric Company, d/b/a AmerenUE, United Cities Gas Company, UtiliCorp Pipeline Systems, UtiliCorp United Inc., d/b/a Missouri Public Service; and the gas utility divisions of the following Missouri cities: Albany, Bernie, Bethany, Clarence, Fulton, Gallatin, Granby, Hamilton, Kennett, Macon, Oronogo, Paris, Perryville, Shelbina, Springfield, Saint James, Stanberry.

MANGO stated that each of the applicants operates a natural gas distribution system in the state of Missouri. Those applicants, MANGO stated, 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 Commission Rule 4 CSR 240-2.060(11). That request will be granted.

MANGO requests a permanent waiver, so long as certain specified alternative regulations are met, from a portion of the gas safety rules, which adopted the minimum federal safety standards as set out in the Code of Federal Regulations at 49 CFR Part 192. MANGO stated that the granting of such waiver would not be inconsistent with gas pipeline safety. In particular, says MANGO, it seeks a waiver applicable to the provisions of

4 CSR 240-40.030(6)(H)3, which provides that a person must be re-qualified under an applicable plastic joining procedure if, during any twelve (12)-month period, that person does not make any joints under that procedure; or, if the person does make such joints, there are either three (3) joints or three percent (3%) of the joints made, whichever is greater, under that procedure that are found unacceptable by testing under subsection (10)(G) of the same rule.

MANGO stated that the permanent waiver requested would allow an alternative means of ensuring qualification for people making such joints. The alternative would be, according to MANGO:

A person must be re-qualified under applicable procedures at least once each calendar year, but at intervals not exceeding 15 months. Following the initial qualification for electrofusion and mechanical joining procedures, for re-qualification a person must participate in a review on the proper joining procedures during such time period.

On May 12, 2000, the Staff of the Commission (Staff) filed its Recommendation to Grant Waiver. Staff agrees with MANGO that the waiver should be granted. Staff notes that the waiver must also be approved by the United States Secretary of Transportation. Staff requested that the Commission's order approving the waiver become effective seventy-five (75) days after the date of issue, to provide adequate time for the Secretary to take the federal action required.

The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has asked permission to intervene or requested a hearing, the Commission may grant the relief requested based on the application.

Commission Rule 4 CSR 240-2.060(11)(G) states that the applicant desiring a waiver of rules shall provide a "...complete justification setting out the good cause for granting the variance." The Commission finds that MANGO has provided a complete justification setting out the good cause for granting the variance in that MANGO will institute an alternative means of ensuring qualification for people making such joints as described above and that granting MANGO its requested waiver will serve the public interest by instituting alternative procedures which will ensure public safety. The Commission will grant the requested waiver.

IT IS THEREFORE ORDERED:

1. That those applicants who are corporations or other business entities are not 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.

2. That the application for the waiver of Commission Rule 4 CSR 240-40.030 filed by the Missouri Association of Natural Gas Operators on March 7, 2000, is granted.

3. That the Records Department of the Commission shall provide, by overnight delivery service, notice of the waiver granted herein (including a copy of the application, the Staff memorandum, and this order) to:

Richard B. Felder
Associate Administrator for Pipeline Safety
U.S. Department of Transportation - RSPA/Office of
Pipeline Safety
400 Seventh Street, S.W., Room 2335
Washington, D.C. 20590

4. That this order shall become effective on August 29, 2000.

5. That this case may be closed on August 30, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer, Murray, Schemenauer,
and Simmons, CC., concur

Hopkins, Senior Regulatory Law Judge

Atty/Secy

Hopkins/Boyer

Date Circulated

6-7

CASE NO. CE-2000-543

Lumpe, Chair

Draher, Vice Chair

Murray, Commissioner

Schemenauer, Commissioner

Simmons, Commissioner

Agenda Date

6-15

Action taken:

5-045

Must Vote Not Later Than

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 15th day of June 2000.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

