

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 14th day of December, 1999.

In the Matter of the Petition of the City)
of Fulton, Missouri, for Approval in)
Accordance with 4 CSR 240-40.030(4)(HH)3,) Case No. GO-2000-279
that It Was Impracticable to Construct an)
an Emergency Replacement to Accommodate)
Instrumented Inspection Devices.)

ORDER GRANTING PETITION

On October 15, 1999, the City of Fulton (City) filed its petition for approval by the Commission under Regulation 4 CSR 240-40.030(4)(HH)3, that it was impracticable for the City to construct an emergency replacement section in its natural gas distribution pipeline in such a way as to accommodate instrumented internal inspection devices. On October 25, 1999, the Commission issued its Order Directing Notice which set November 15, 1999, as the deadline by which persons seeking to intervene in this matter must file their applications. No applications to intervene were received.

The Order of October 25, 1999, also directed the Staff of the Missouri Public Service Commission (Staff) to investigate the circumstances contained in the application and to file a memorandum including a recommendation as to whether or not the application should be granted. Staff filed its recommendation on November 22, 1999. No objections to the Staff recommendation were filed and the period for filing such has elapsed.

The requirement of a hearing is met when an opportunity to be heard 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). As there were no requests for a hearing, the Commission is authorized to grant the requested relief based on the verified application.

Discussion:

Commission Rule 4 CSR 240-40.030(4)(HH)1. requires that new and replacement segments of natural gas transmission lines "be designed and constructed to accommodate the passage of instrumented internal inspection devices." Rule 4 CSR 240-40.030(4)(HH)3., in turn, states that:

An operator encountering emergencies, construction time constraints or other unforeseen construction problems need not construct a new or replacement segment of a transmission line to meet paragraph (4)(HH)1., if the operator determines and documents why an impracticability prohibits compliance with paragraph (4)(HH)1. Within thirty (30) days of discovering the emergency or construction problem the operator must petition, under section 190.9 of 49 CFR part 190, for approval that design and construction to accommodate passage of instrumented internal inspection devices would be impracticable.

Federal regulation 49 CFR Section 190.9, at (b)(1)(i), instructs operators to direct their petitions, in the case of intrastate pipeline transportation, to "[t]he State agency certified to participate under 49 U.S.C. Section 60105." In Missouri, that agency is the Missouri Public Service Commission. The state agency shall make a recommendation to the Administrator of the Research and Special Programs Administration (RSPA), United States Department of Transportation (USDOT). The state agency's

recommended decision shall be the decision of the administrator unless it is modified or reversed within ten business days of receipt. See 49 CFR Section 190.9(d).

According to City's verified petition, the impracticability in question arose on September 17, 1999, when a contractor damaged the 15.5 mile long, 8-inch steel transmission pipeline operated by the City. Repairs to the line, the only feed serving some 4,000 residential, commercial and industrial customers, required installation of a pair of bottom-out line stoppers and the relocation to a lower elevation of some 640 feet of the transmission line. The bottom-out line stoppers, each including a 90-degree short radius elbow, do not permit passage of instrumented internal inspection devices. In addition to explaining why the bottom-out line stoppers were the only feasible repair available in the circumstances, the City also points out that its line includes six other such fittings and that, consequently, instrumented internal inspection devices cannot be used on its line anyway.

Staff recommends that the Commission approve the City's petition. In addition to the impracticality of repairing the line to accommodate an inspection device that cannot pass through the line in any event, Staff notes that City's line is subject to fewer safety risks than most gas transmission lines. Its diameter is small and its operating pressure (320 psig) is substantially lower than most other lines. City's line is coated, cathodically protected against corrosion, and has no history of corrosion damage or leakage. Corrosion is the focus of instrumented internal inspection devices, Staff states. The overall public and building

exposure for this line is low. Staff notes that similar repairs have been approved by RSPA, USDOT, for similar obstructed pipelines in other states.

Having considered the verified petition and the recommendation of the Staff, the Commission will approve the petition. The Commission finds that an impracticability exists such as prevents City's compliance with paragraph (4) (HH) 1. of Rule 4 CSR 240-40.030.

IT IS THEREFORE ORDERED:

1. That the petition filed by the City of Fulton on October 15, 1999, is approved.
2. That the Records Department of the Commission shall attach City's petition, filed on October 15, 1999, and Staff's memorandum, filed on November 22, 1999, to this Order as Attachments 1 and 2, respectively.
3. That the Records Department of the Commission shall transmit certified copies of this Order and its attachments, by overnight mail or delivery service, to:

Ms. Kelly Coyner, Administrator
U.S. DOT-Research and Special Programs Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

Mr. Richard B. Felder, Associate Administrator for
Pipeline Safety
U.S. DOT-RSPA-Office of Pipeline Safety
DPS-1
400 Seventh Street, S.W., Room 7128
Washington, D.C., 20590

Mr. Ivan Huntoon, Regional Director
U.S. DOT-RSPA-Office of Pipeline Safety-Central Region
City Center Square, Suite 1120
1100 Main Street
Kansas City, MO 64105

4. That this order shall become effective on December 24, 1999.
5. That this case may be closed on December 27, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

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

Thompson, Deputy Chief Regulatory Law Judge



RECEIVED

DEC 14 1999

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION