

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a Session of the Public Service
Commission held at its office
in Jefferson City on the 3rd
day of April, 1989.

Commission Emergency Rule 4 CSR 240-40.055)
(gas leaks in unprotected steel service)
lines).) CASE NO. GX-89-166

ORDER

On March 3, 1989, the City of Springfield, Missouri (hereafter Petitioner) doing business as City Utilities of Springfield, Missouri, filed a Petition For Reconsideration, Amendment, Or Repeal of this Commission's Emergency Rule CSR 240-40.055, gas leaks in unprotected steel service lines.

Beginning at paragraph three of its petition, Petitioner alleges that the location of both customer owned residential gas lines and commercial/industrial gas lines are to a large extent unknown; nor can the locations be ascertained by April 15, 1989. Petitioner further alleges that it has commenced a gas leak survey, has no objection to making or continuing same, but asks that the Commission extend the time(s) for completion. Petitioner then moves the Commission to reconsider, amend or repeal 4 CSR 240-40.055.

On March 31, 1989, Staff filed its response to the City of Springfield's petition, stating that Staff lacked sufficient information to deny or admit the City's allegations regarding locations of its gas lines and time constraints in testing same. Staff denied City's contention that the Commission's Emergency Rule contravenes 386.310.1 and 393.140(5), RSMo. 1986.

At paragraphs 6, 7 and 8 of its response, Staff notes that 4 CSR 240-40.055(6) provides for a variance, that Petitioner City may seek a variance, and

that Staff has no objection to the issuance of a variance to Petitioner regarding times of completion under the Emergency Rule.

To the extent that Petitioner's pleading indicates conditions unique to the City of Springfield, and considering that Petitioner apparently objects only to the Emergency Rule's compliance dates, and that Staff has no objection to extending said dates, the Petitioner may elect to apply for a variance under Subsection (6), 4 CSR 240-40.055.

After giving this matter due consideration, the Commission hereby denies the City of Springfield's Petition For Reconsideration, Amendment, Or Repeal referenced above.

It is, therefore,

ORDERED: 1. That the Petition For Reconsideration, Amendment, Or Repeal of 4 CSR 240-40.055 be denied.

ORDERED: 2. That this Order shall become effective on the date hereof.

BY THE COMMISSION

Harvey G. Hubbs
Harvey G. Hubbs
Secretary

(S E A L)

Steinmeier, Chm., Mueller, Hendren,
and Fischer, CC., Concur.
Rauch, C., Not Participating.