

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 29th  
day of September, 1995.

Application to allow waiver from Rule 4 CSR     )  
240-40.030(15)(C)3 granted to Western         )  
Resources, Inc. (for systems that are now     ) CASE NO. GO-95-374  
operated by Missouri Gas Energy) to remain    )  
in effect under revised Rule 4 CSR 240-40.030. )

ORDER GRANTING MOTION TO CONTINUE WAIVER

In Case No. GO-92-295, the Commission granted Western Resources, Inc. (Western Resources) a waiver from the provisions of 4 CSR 240-40.030(15)(C)3 which required natural gas system operators to conduct annual leak detection surveys on all unprotected steel service lines and yard lines, and to replace, at a minimum, 10 percent of unprotected steel service lines and yard lines annually. The Commission permitted Western Resources to adopt a twenty-year schedule for replacement of unprotected steel service and yard lines. Western Resources' systems in Missouri are now operated by Southern Union d/b/a Missouri Gas Energy (MGE). MGE currently uses the waiver granted to Western Resources.

On May 28, 1995, amendments to 4 CSR 240-40.030 became effective. Paragraph (15)(C)3 has been amended so that natural gas system operators are required to replace unprotected steel yard lines and company-owned unprotected steel service lines at a minimum rate of five percent annually.

On May 15, 1995, the Staff of the Commission (Staff) filed a motion requesting that the waiver granted to Western Resources remain in effect for MGE. Staff stated that the Commission approved specific replacement schedules for Western Resources and required it to complete its replacements by 2010. Staff also stated that the replacement requirements

in the revised rule would place MGE under less stringent constraints than MGE would have under the waiver. Staff indicated that MGE needs the waiver granted to Western Resources in order to follow the approved replacement schedules, and that it believes the approved schedules are appropriate and should be continued.

Upon review of Staff's motion, the Commission is of the opinion that the motion is unnecessary. A waiver or variance granted by the Commission remains in effect until it is expressly rescinded by the Commission. Nevertheless, because the waiver granted to Western Resources would remain in effect anyway, the Commission finds Staff's motion is not detrimental to the public interest and should be granted.

**IT IS THEREFORE ORDERED:**

1. That the motion filed by the Staff of the Commission to continue the waiver of 4 CSR 240-40.030(15)(C)3 granted to Western Resources, Inc. is hereby granted.

2. That the waiver from the provisions of 4 CSR 240-40.030(15)(C)3 granted to Western Resources, Inc. in Case No. GO-92-295 shall remain in effect for Southern Union d/b/a Missouri Gas Energy unless otherwise ordered by the Commission.

3. That a copy of this Order shall be filed in the official case file of Case No. GO-92-295.

4. That this Order shall become effective on October 10, 1995.

BY THE COMMISSION

(S E A L)



David L. Rauch  
Executive Secretary

Mueller, Chm., McClure, Kincheloe,  
Crumpton, and Drainer, CC., Concur.