

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a Session of the Public Service  
Commission held at its office  
in Jefferson City on the 5th  
day of June, 1990.

In the matter of the application of       )  
Arkansas Western Gas Company for a       )  
permanent waiver from certain of the       )  
provisions of 4 CSR 240-40.030.       )  
CASE NO. GO-90-167

ORDER GRANTING PARTIAL WAIVER

On February 6, 1990, Arkansas Western Gas Company d/b/a Associated Natural Gas Company (Applicant or ANG) requested a permanent waiver from a portion of the Commission's rule, 4 CSR 240-40.030(4)(GG)2.B., which provides that a valve be located in the control line of a regulator at a pressure reduction station. The request for a waiver was filed pursuant to 49 USC Section 1672(d) and the Commission's rule, 4 CSR 240-40.030(16). In support of its application, ANG states that it is in the public interest to grant the waiver because the waiver will allow ANG to operate in a cost effective manner which is not inconsistent with gas pipeline safety.

Specifically, ANG states that the cost of conforming to this new rule of the Commission would be \$20,000 and no additional safety benefits would be experienced. ANG further states that the installation of these valves could conceivably increase the likelihood of unsafe conditions such as inadvertently leaving the control line valve turned off after maintenance. ANG states that if, in the future, it becomes necessary to locate control lines downstream of the outlet valve of the station, ANG would install control line valves at that time. ANG also states that it has operated the regulator stations in question without control line valves since its existence began in 1950 and has experienced no problems or unsafe conditions with this type of design.

The Commission's Staff (Staff) recommends that the Commission waive compliance with 49 CFR 192.203(b)(2) which corresponds to the Commission's rule, 4 CSR 240-40.030(4)(GG)2.B., in part. Specifically, it is a waiver from the placement of a shutoff valve in the control line to an "operating" regulator where the control line taps upstream from the regulator station outlet valve. Staff states that the waiver should apply only to regulator stations installed after Missouri's adoption of the federal requirement in 1971. Staff agrees with Applicant that this waiver is not inconsistent with gas pipeline safety which is the federal standard for granting such waiver as articulated in 49 USC Section 1672(d).

Staff notes that 49 USC Section 1672(d) provides that the United States Secretary of Transportation (Secretary) receive written notice from the Commission at least sixty (60) days prior to the effective date of any waiver. Therefore, Staff recommends that the effective date of this order be seventy-five (75) days from the date of issuance to ensure adequate processing and mail time so that the Secretary will have a full sixty (60) days for review. Staff further recommends that the Commission transmit notice to the Secretary of the waiver via certified mail with the receipt date noted in this official case file.

In addition, Staff recommends that the Commission deny Applicant's request for a waiver pursuant to the Commission's rule, 4 CSR 240-40.030(16). Staff notes that the Commission's waiver procedure contained in this rule only applies to state requirements which are more stringent than minimum federal requirements. Staff points out that the provisions contained in the Commission's rule, 4 CSR 240-40.030(4)(GG)2.B., are not more stringent than the federal requirements contained in 49 CFR Section 192.203(b)(2).

Finally, Staff recommends that the Commission waive compliance with Supplemental Order No. 1 to General Order No. 45 issued by this Commission

February 23, 1968, effective March 14, 1968, as to placement of a shutoff valve in the control line to an "operating" regulator where the control line taps upstream from the regulator station outlet valve. This waiver would apply to regulator stations installed between 1968 when Missouri adopted the industry code, USAS B31.8 (845.9) and 1971 when Missouri adopted the federal requirement.

The Commission has reviewed the recommendation of its Staff and finds that it is reasonable. Therefore, the Commission will grant in part and deny in part the waiver requested by Applicant as recommended by the Commission's Staff.


It is, therefore,

ORDERED: 1. That the waiver requested herein by Arkansas Western Gas Company d/b/a Associated Natural Gas Company is granted in part and denied in part as set forth herein.

ORDERED: 2. That the Secretary of the Commission is directed hereby to transmit certified copies of this order by certified mail to the United States Secretary of Transportation and the Director of the Office of Pipeline Safety. The certified mailing shall request a return receipt, the receipt date of which shall be noted in this official case file.

ORDERED: 3. That this order shall become effective on the 20th day of August, 1990.

BY THE COMMISSION

  
Harvey G. Hubbs  
Secretary

(S E A L)

Mueller, Rauch, McClure and  
Letsch-Roderique, CC., Concur.  
Steinmeier, Chm., Absent,