

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of a General Review)
Of the Commission's Rules)

File No. AW-2017-0336

**STAFF MOTION TO INITIATE REVIEW OF NECESSARY REVISIONS TO THE
COMMISSION'S RULES REGARDING NATURAL GAS SAFETY**

COMES NOW the Staff of the Missouri Public Service Commission and states as follows:

1. According to the Commission's *Notice Opening a Working Case to Review the Commission's Rules* issued on June 14, 2017, this case was opened to undertake a general review of the Commission's rules in compliance with Executive Order 17-03.

2. Staff requests that, either in this case or in a separate working case to be opened by the Commission, the Commission authorize the initiation of a workshop process to revise its natural gas pipeline safety rules to bring them up to date with recent federal rule amendments, as well as to make minor editorial changes to the Commission's gas safety rules for purposes of clarification and correction. As part of this process, Staff will also review the Commission's natural gas pipeline safety rules and make suggestions, as applicable, about how the regulations can be improved to simplify them and make them more effective, while removing any unnecessary regulatory burdens. A working case file will facilitate Staff's efforts to obtain input from interested stakeholders and the general public regarding the drafting of the revisions. The case file will serve as a repository for documents and comments. Using the working case file, any person with an interest in this matter may submit comments or documents.

3. The Commission's Safety Engineering Unit Staff is granted authority to implement the state pipeline safety program by annual certification from the United States Department of Transportation (DOT) as provided in 49 U.S. Code § 60105.

4. Federal law requires that this state take measures to adopt each applicable federal pipeline safety standard within a prescribed period of time.¹ 49 U.S. Code § 60105 requires, among other things, that the state authority adopt each applicable federal pipeline safety standard by the date of its annual certification, or in the event a standard was established within 120 days before the date of the certification, be taking steps to adopt that standard.

5. Goals are set for state programs by the Pipeline and Hazardous Materials Safety Administration (PHMSA) and enforcement of those goals is by reductions in federal grant-in-aid funding and the potential loss of federal certification if those goals are not met.

6. The Commission recently conducted a rulemaking in File No. GX-2016-0263 in which the Missouri Pipeline Safety rules were amended to adopt final amendments to federal pipeline safety regulations published through March 2015. However, since the GX-2016-0263 rulemaking was opened, there have been additional amendments to federal pipeline safety regulations that the Commission should begin taking steps to adopt. In addition, as noted above, Staff has become aware of the need to make minor clarifying and/or correcting edits to the Commission's gas safety rules. Attached hereto is a list of currently-known federal pipeline safety rule amendments which the Commission should begin taking steps to adopt, which also includes

¹ *In the Matter of the Proposed Amendment of the Commission's Rules Relating to Natural Gas Safety*, File No. GX-2016-0263, Finding of Necessity and Order Directing That Proposed Rule Amendments be Filed for Publication, issued November 9, 2016.

Staff's suggested editorial changes; obviously, this list could change during the working case process.

WHEREFORE, Staff requests that, either in this case or in a separate working case to be opened by the Commission, the Commission authorize the initiation of a workshop process to revise its natural gas pipeline safety rules to bring them up to date with recent federal rule amendments, to make minor editorial changes to the Commission's gas safety rules for purposes of clarification and correction, and to improve the Commission's existing gas safety regulations.

Respectfully submitted,

/s/ Jeffrey A. Keevil

Jeffrey A. Keevil

Missouri Bar No. 33825

P. O. Box 360

Jefferson City, MO 65102

(573) 526-4887 (Telephone)

(573) 751-9285 (Fax)

Email: jeff.keevil@psc.mo.gov

Attorney for the Staff of the
Missouri Public Service Commission

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to the Office of the Public Counsel, Missouri regulated natural gas utility operators, Missouri municipal natural gas utility operators, and master meter operators this 22nd day of June, 2017.

/s/ Jeffrey A. Keevil

Missouri Rules to be amended (new requirement not currently in Missouri Rules if in red) based on amendments to Federal Pipeline Safety Regulations			
Missouri Regulation	Federal Regulation 49 CFR	Federal Amendment Driving Change to Missouri Amendment	Comments
4 CSR 240-40.020(11)(C)	191.22(c)	NA	Need to add LNG plant or LNG facility to be consistent with Federal regulation.
4 CSR 240-40.020(11)(C)1.B.	191.22(c)(1)(ii)	191-25	Revised to require notification for ≥ 10 miles replaced pipe in addition to new pipe.
4 CSR 240-40.020(11)(C)2.E.	191.22(2)(v)	191-25	New requirement - adds notification requirement for flow reversal.
4 CSR 240-40.020(11)(C)2.F.	191.22(2)(vi)	191-25	New requirement - adds notification requirement for conversion of service.
4 CSR 240-40.020(12)(A)1.	191.23(A)1.	NA	Correct typographical errors to match federal regulation.
4 CSR 240-40.020(2)	191.3	191-25	Adds definition of "confirmed discovery" Also need to make LNG definition consistent with Federal.
4 CSR 240-40.020(3)(A)	191.5(a)	191-25	Revised to require reporting no later than one hour after confirmed discovery
4 CSR 240-40.020(3)(C)	191.5(c)	191-25	New requirement - adds requirement for 48-hour follow-up to NRC reporting.
4 CSR 240-40.020(7)(A)2.	NA	NA	Need to change date from May 2015 to January 2017 (2 locations in paragraph).
4 CSR 240-40.030(1)(H)4.	192.14(c)	192-123	New Requirement - adds requirement to notify prior to conversion to service.
4 CSR 240-40.030(12)(T)2.C.	192.631(b)(3)	192-123	Deletes "and" at end since new requirement added below.
4 CSR 240-40.030(12)(T)2.D.	192.631(b)(4)	192-123	Adds "and" at end since new requirement added below.
4 CSR 240-40.030(12)(T)2.E.	192.631(b)(5)	192-123	New requirement - required to define roles, responsibilities and qualifications of others with authority to direct or supersede the specific technical actions of a controller.
4 CSR 240-40.030(12)(T)8.D.	192.631(h)(4)	192-123	Deletes "and" at end since new requirement added below
4 CSR 240-40.030(12)(T)8.E.	192.631(h)(5)	192-123	Adds "and" at end since new requirement added below
4 CSR 240-40.030(12)(T)8.F.	192.631(h)(6)	192-123	New requirement - requires team training exercises for controllers and other individuals expected to collaborate with control room personnel
4 CSR 240-40.030(13)(BB)	192.740	192-123	New requirement - requirement to inspect and test each pressure regulating or limiting device, relief device and associated equipment to any service line directly connected to a production, gathering or transmission line at least once every 3 calendar years not exceeding 39 months.
4 CSR 240-40.030(13)(F)2.E.	NA	NA	This paragraph should be deleted, it is the recordkeeping requirements for paragraph (14)(B)7., which was deleted in a previous amendment.
4 CSR 240-40.030(13)(R)3.	192.740	192-123	Add reference to new regulation 192.740
4 CSR 240-40.030(17)(B)	192.1003(a) and (b)	192-123	Revised to make exception for individual service lines directly connected to a transmission, gathering or production pipeline from DIMP regulations
4 CSR 240-40.030(17)(C)	192.1005	NA	Correct typographical error reference to 191.1005 should be 192.1005.
4 CSR 240-40.030(4)(S)2.	192.175	192-123	Revised to correct error in formula
4 CSR 240-40.030(5)(B)	NA	NA	Need to remove citation "(192.223)" because federal citation was removed
4 CSR 240-40.030(5)(C)1.	192.225(a)	192-123	Revised to update welding procedures for changes to API standard and incorporates reference to in-service welding (API 1104 Appendix B)
4 CSR 240-40.030(5)(D)1.	192.227	192-123	Revised to update welder qualifications for changes to API standard and incorporates reference to in-service welding (API 1104 Appendix B)
4 CSR 240-40.030(8)(O)1.	192.381(a)	192-121	Deletes "single residence" since scope of applicability is being expanded.
4 CSR 240-40.030(8)(P)1.	192.383(a)	192-121	Adds definition for "branched service line" and minor edits to other definitions.
4 CSR 240-40.030(8)(P)2.	192.383(b)	192-121	Expands requirement to install EFVs to additional service types and other changes.
4 CSR 240-40.030(8)(P)3.	192.383(c)	192-121	This paragraph was reporting (moved to end), now is list of exceptions from rule
4 CSR 240-40.030(8)(P)4.	192.383(d)	192-121	New requirement, customer with existing service line, right to request EFV
4 CSR 240-40.030(8)(P)5.	192.383(e)	192-121	New requirement, requirements for customer notification of right to request EFV
4 CSR 240-40.030(8)(P)6.	192.383(f)	192-121	New requirement - evidence of customer notification
4 CSR 240-40.030(8)(P)7.	192.383(g)	192-121	Reporting was previously 192.383(c), moved here.
4 CSR 240-40.030(8)(Q)	192.385	192-121	New requirement - Manual service line shut-off valve installation.
4 CSR 240-40.080(1)	199.105(b); .117; .119; .225; .227; and .229	199-27	We adopt the regulation by reference - update dates. Note, when we update 4 CSR 240-40.080, we also adopt amendments to 49 CFR Part 40: Procedures for Transportation Workplace Drug and Alcohol testing procedures.