

**Jason Kander**

Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

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SECRETARY OF STATE  
ADMINISTRATIVE RULES

**COPY**

Rule Number 4 CSR 240-40.020

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Michael Bushmann Phone 573-751-4393 FAX 573-526-6010

Email address michael.bushmann@psc.mo.gov

Data Entry Chris Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address christine.koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Fl., Gov. Ofc. Bldg., JC, MO

**TYPE OF RULEMAKING ACTION TO BE TAKEN**

- ☐ Emergency rulemaking, include effective date  
☒ Proposed Rulemaking  
☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration  
☐ Request for Non-Substantive Change  
☐ Statement of Actual Cost  
☐ Order of Rulemaking

Effective Date for the Order \_\_\_\_\_

☐ Statutory 30 days OR Specific date \_\_\_\_\_

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory  
Fairness Board (DED) Stamp

SMALL BUSINESS  
REGULATORY FAIRNESS BOARD

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JOINT COMMITTEE ON

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DANIEL Y. HALL  
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SCOTT T. RUPP  
MAIDA J. COLEMAN

## *Missouri Public Service Commission*

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.mo.gov>

SHELLEY BRUEGGEMANN  
General Counsel  
MORRIS WOODRUFF  
Secretary  
WESS A. HENDERSON  
Director of Administration  
NATELLE DIETRICH  
Staff Director

November 14, 2016

Jason Kander  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Re: 4 CSR 240-40.020 Incident, Annual and Safety-Related Condition Reporting Requirements

Dear Secretary Kander,

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed amendment lawfully submitted by the Missouri Public Service Commission.

The Public Service Commission has determined and hereby certifies that this proposed amendment will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed amendment does not constitute a taking of real property under relevant state and federal law, and that the proposed amendment conforms to the requirements of 1.310, RSMo, regarding user fees.

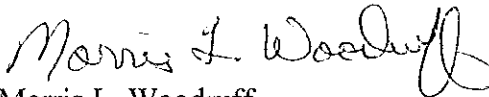
The Public Service Commission has determined and hereby also certifies that this proposed amendment complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than fifty full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Mr. Jason Kander  
November 14, 2016  
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Statutory Authority: section 386.250, 386.310 and 393.140, RSMo 2000.

If there are any questions regarding the content of this proposed amendment, please contact:

Michael Bushmann, Senior Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-4393  
Michael.bushmann@psc.mo.gov

  
Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosures

**AFFIDAVIT  
PUBLIC COST**

STATE OF MISSOURI )  
                                  )  
COUNTY OF COLE     )

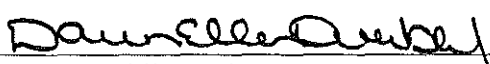
I, Mike Downing, Director of the Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed rule, 4 CSR 240-40.020, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Mike Downing  
Director  
Department of Economic Development

Subscribed and sworn to before me this 12<sup>th</sup> day of May, 2016, I am commissioned as a notary public within the County of Moniteau, State of Missouri, and my commission expires on December 13, 2019



DAWN ELLEN OVERBEY  
My Commission Expires  
December 13, 2019  
Moniteau County  
Commission #15456865

  
\_\_\_\_\_  
Notary Public

Title 4—Rules of Department of Economic Development  
Division 240—Public Service Commission  
Chapter 40—Gas Utilities and Gas Safety Standards

PROPOSED AMENDMENT

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**4 CSR 240-40.020 Incident, Annual and Safety-Related Condition Reporting Requirements.** The Commission is amending sections (5), (6), (7), (9), (10), (11) and (13); and adding a new section (14).

*PURPOSE: This amendment proposes to amend the rule to address the 2015 amendment of 49 CFR part 191 and to incorporate by reference current versions of report forms.*

(5) Report Submission Requirements. (191.7)

(A) Reports to PHMSA.

1. An operator must submit each report required by sections (6) – (11) electronically to the Pipeline and Hazardous Materials Safety Administration at [<http://opsweb.phmsa.dot.gov>] <http://portal.phmsa.dot.gov/pipeline> unless an alternative reporting method is authorized in accordance with subsection (5)(D).

2. A copy of each online submission to PHMSA must also be submitted concurrently to designated commission personnel. The copy submitted to designated commission personnel must be clearly marked to indicate the date of the online submission to PHMSA.

(B) Missouri Incident Reports.

1. This subsection applies to events that meet the criteria in subsection (4)(A) but are not a Federal incident reported under subsection (5)(A). Within thirty (30) days of a telephone notification made under subsection (4)(A), each gas operator must submit U.S. Department of Transportation Form PHMSA F 7100.1 or PHMSA F 7100.2, as applicable, to designated commission personnel. Additional information required in subsections (6)(B) and (9)(B) for federal incidents is also required for these events.

2. The incident report forms for gas distribution systems (PHMSA F 7100.1, revised [*June 2011*] **October 2014**) and gas transmission and gathering pipeline systems (PHMSA F 7100.2, revised [*June 2011*] **October 2014**) are incorporated by reference. The forms are published by the U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The forms are available at [www.phmsa.dot.gov/pipeline/library/forms](http://www.phmsa.dot.gov/pipeline/library/forms) or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The PHMSA F 7100.1 form does not include any amendments or additions to the [*June 2011*] **October 2014** version. The PHMSA F 7100.2 form does not include any amendments or additions to the [*June 2011*] **October 2014** version.

(C) Safety-related Conditions. An operator must submit concurrently to PHMSA and designated commission personnel a safety-related condition report required by section (12) (191.23). A safety-related condition report can be submitted [*to the addresses provided in subsections (5)(D)–(E) or*] by **electronic mail or telefacsimile (fax)** as provided for in section (13).

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(F) **National Pipeline Mapping System (NPMS).** An operator must provide the NPMS data to the address identified in the NPMS Operator Standards manual available at [www.npms.phmsa.dot.gov](http://www.npms.phmsa.dot.gov) or by contacting the PHMSA Geographic Information Systems Manager at (202) 366-4595.

(6) Distribution System – Federal Incident Report. (191.9)

(A) Except as provided in subsection (6)(C), each operator of a distribution pipeline system must submit U.S. Department of Transportation Form PHMSA F 7100.1 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5). See the report submission requirements in subsection (5)(A). The incident report form (revised *[June 2011]* **October 2014**) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at [www.phmsa.dot.gov/pipeline/library/forms](http://www.phmsa.dot.gov/pipeline/library/forms) or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[June 2011]* **October 2014** version.

(7) Distribution System – Annual Report and Mechanical Fitting Failure Reports.

(A) Annual Report. (191.11)

1. Except as provided in paragraph (7)(A)3., each operator of a distribution pipeline system must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F 7100.1-1. This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A).

2. The annual report form (revised *[January 2011]* **May 2015**) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at [www.phmsa.dot.gov/pipeline/library/forms](http://www.phmsa.dot.gov/pipeline/library/forms) or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[January 2011]* **May 2015** version.

3. The annual report requirement in this subsection does not apply to a master meter system or to a petroleum gas system which serves fewer than one hundred (100) customers from a single source.

(B) Mechanical Fitting Failure Reports. (191.12)

1. Each mechanical fitting failure, as required by 49 CFR 240.40.030(17)(E) (192.1009), must be submitted on a Mechanical Fitting Failure Report Form (U.S. Department of Transportation Form PHMSA F 7100.1-2). An operator must submit a mechanical fitting failure report for each mechanical fitting failure that occurs within a calendar year not later than March 15 of the following year (for example, all mechanical failure reports for calendar year 2012 must be submitted no later than March 15, 2013). Alternatively, an operator may elect to submit its reports throughout the year. In addition, an operator must also report this information to designated commission personnel.

2. The Mechanical Fitting Failure Report Form (*[January 2011]* **October 2014**) is incorporated by reference and is published by the U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at [www.phmsa.dot.gov/pipeline/library/forms](http://www.phmsa.dot.gov/pipeline/library/forms) or upon request from the Pipeline Safety Program Manager at

the address given in subsection (5)(E). The form does not include any amendments or additions to the *[January 2011] October 2014* version.

(9) Transmission and Gathering Systems – Federal Incident Report. (191.15)

(A) Transmission and Gathering. Each operator of a transmission or a gathering pipeline system must submit U.S. Department of Transportation Form PHMSA F 7100.2 as soon as practicable but not more than thirty (30) days after detection of an incident required to be reported under section (3) (191.5). See the report submission requirements in subsection (5)(A). The incident report form (revised *[June 2011] October 2014*) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at [www.phmsa.dot.gov/pipeline/library/forms](http://www.phmsa.dot.gov/pipeline/library/forms) or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[June 2011] October 2014* version.

(10) Transmission and Gathering Systems – Annual Report. (191.17)

(A) Transmission and *[g]*Gathering. Each operator of a transmission or a gathering pipeline system must submit an annual report for that system on U.S. Department of Transportation Form PHMSA F7100.2-1. This report must be submitted each year, not later than March 15, for the preceding calendar year. See the report submission requirements in subsection (5)(A). The annual report form (revised *[June 2011] October 2014*) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at [www.phmsa.dot.gov/pipeline/library/forms](http://www.phmsa.dot.gov/pipeline/library/forms) or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[June 2011] October 2014* version.

(11) National Registry of Pipeline and LNG Operators (191.22)

(A) OPID Request.

(1) Effective January 1, 2012, each operator of a gas pipeline or gas pipeline facility must obtain from PHMSA an Operator Identification Number (OPID). An OPID is assigned to an operator for the pipeline or pipeline system for which the operator has primary responsibility. To obtain an OPID, an operator must complete an OPID Assignment Request (U.S. Department of Transportation Form PHMSA F 1000.1) through the National Registry of Pipeline and LNG Operators at *[http://opswb.phmsa.dot.gov]* <http://portal.phmsa.dot.gov/pipeline> unless an alternative reporting method is authorized in accordance with subsection (5)(D). A copy of each submission to PHMSA must also be submitted concurrently to designated commission personnel – see addresses in subsection (5)(E).

(2) The OPID Assignment Request form (*[December 2011] May 2015*) is incorporated by reference and is published by U.S. Department of Transportation Office of Pipeline Safety, PHP-10, 1200 New Jersey Avenue SE, Washington DC 20590-0001. The form is available at [www.phmsa.dot.gov/pipeline/library/forms](http://www.phmsa.dot.gov/pipeline/library/forms) or upon request from the Pipeline Safety Program Manager at the address given in subsection (5)(E). The form does not include any amendments or additions to the *[December 2011] May 2015* version.

(C) Changes. Each operator of a gas pipeline or gas pipeline facility must notify PHMSA electronically through the National Registry of Pipeline and LNG Operators at [<http://opsweb.phmsa.dot.gov>] <http://portal.phmsa.dot.gov/pipeline> of certain events. A copy of each online notification must also be submitted concurrently to designated commission personnel – see addresses in subsection (5)(E).

1. An operator must notify PHMSA of any of the following events not later than sixty (60) days before the event occurs:

A. Construction or any planned rehabilitation, replacement, modification, upgrade, uprate, or update of a facility, other than a section of line pipe, that costs ten (10) million dollars or more. If sixty (60) day notice is not feasible because of an emergency, an operator must notify PHMSA as soon as practicable; or

B. Construction of ten (10) or more miles of a new pipeline.

2. An operator must notify PHMSA of any of the following events not later than sixty (60) days after the event occurs:

A. A change in the primary entity responsible (i.e., with an assigned OPID) for managing or administering a safety program required by this rule covering pipeline facilities operated under multiple OPIDs;

B. A change in the name of the operator;

C. A change in the entity (e.g., company, municipality) responsible for an existing pipeline, pipeline segment, or pipeline facility; or

D. The acquisition or divestiture of fifty (50) or more miles of a pipeline or pipeline system subject to 4 CSR 240-40.030.

#### (13) Filing Safety-Related Condition Reports. (191.25)

(A) Each report of a safety-related condition under subsection (12)(A) must be filed (received by the [*Associate Administrator,*] Office of Pipeline Safety at PHMSA and designated commission personnel) [*in writing*] within five (5) working days (not including Saturday, Sunday, or federal holidays) after the day a representative of the operator first determines that the condition exists, but not later than ten (10) working days after the day a representative of the operator discovers the possibility of a condition. Separate conditions may be described in a single report if they are closely related. See the report submission requirements in subsection (5)(C). **Reports may be transmitted by electronic mail to [InformationResourceManager@dot.gov](mailto:InformationResourceManager@dot.gov) and [PipelineSafetyProgramManager@psc.mo.gov](mailto:PipelineSafetyProgramManager@psc.mo.gov).** To file a report by telefacsimile (fax), dial (202) 366-7128 for the [*Associate Administrator,*] Office of Pipeline Safety and (573) 522-1946 for designated commission personnel.

#### (14) National Pipeline Mapping System. (191.29)

(A) Each operator of a gas transmission pipeline or liquefied natural gas facility must provide the following geospatial data to PHMSA for that pipeline or facility:

(1) Geospatial data, attributes, metadata and transmittal letter appropriate for use in the National Pipeline Mapping System. Acceptable formats and additional information are specified in the NPMS Operator Standards Manual available at [www.npms.phmsa.dot.gov](http://www.npms.phmsa.dot.gov) or by contacting the PHMSA Geographic Information Systems Manager at (202) 366-4595;

(2) The name of and address for the operator; and



(3) The name and contact information of a pipeline company employee, to be displayed on a public Web site, who will serve as a contact for questions from the general public about the operator's NPMS data.

(B) The information required in subsection (14)(A) must be submitted each year, on or before March 15, representing assets as of December 31 of the previous year. If no changes have occurred since the previous year's submission, the operator must comply with the guidance provided in the NPMS Operator Standards manual available at [www.npms.phmsa.dot.gov](http://www.npms.phmsa.dot.gov) or contact the PHMSA Geographic Information Systems Manager at (202) 366-4595.

*AUTHORITY: sections 386.250, 386.310, and 393.140, RSMo 2000. Original rule filed Feb. 5, 1970, effective Feb. 26, 1970. Amended: Filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Feb. 8, 1985, effective Aug. 11, 1985. Rescinded and readopted: Filed May 17, 1989, effective Dec. 15, 1989. Amended: Filed Oct. 7, 1994, effective May 28, 1995. Amended: Filed April 9, 1998, effective Nov. 30, 1998. Amended: Filed December 14, 2000, effective May 30, 2001. Amended: Filed Oct. 15, 2007, effective April 30, 2008. Amended: Filed Nov. 29, 2012, effective May 30, 2013. Amended: Filed November 14, 2016*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before January 17, 2017, and should include reference to Commission Case No. GX-2016-0263. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for January 20, 2017, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

# **Small Business Regulator Fairness Board Small Business Impact Statement**

**Date:** March 30, 2016

**Rule Number:** 4 CSR 240-40.020

**Name of Agency Preparing Statement:** Missouri Public Service Commission

**Name of Person Preparing Statement:** Natelle Dietrich

**Phone Number:** 573-751-7427

**Email:** natelle.dietrich@psc.mo.gov

**Name of Person Approving Statement:** Natelle Dietrich

**Please describe the methods your agency considered or used to reduce the impact on small businesses** *(examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).*

Since the proposed rule adopts already-effective federal rules there is no impact imposed on small businesses from promulgation of the state rule.

**Please explain how your agency has involved small businesses in the development of the proposed rule.**

N/A.

**Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.**

None.

**Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.**

None that do not have to comply with the already-effective federal rules.

**Please list direct and indirect costs (in dollars amounts) associated with compliance.**

N/A.

**Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.**

None that do not comply with the already-effective federal rules.

**Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?**

Yes \_\_\_\_ No X\_\_

**If yes, please explain the reason for imposing a more stringent standard.**

*For further guidance in the completion of this statement, please see §536.300, RSMo.*