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September 21, 2000

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Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. GX-2001-91

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of an **AMENDED MOTION FOR FINDING OF NECESSITY FOR RULEMAKING**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Eric William Anderson
Assistant General Counsel
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EWA/dkf
Enclosure
cc: Counsel of Record

FILED²
SEP 21 2000 *js*
Missouri Public
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED²
SEP 21 2000
Missouri Public
Service Commission

In the Matter of Proposed Amendments to)
Commission Rules 4 CSR 240-40.020 and)
40.030.

Case No. GX-2001-91

AMENDED MOTION FOR FINDING OF NECESSITY FOR RULEMAKING

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through its Office of General Counsel, pursuant to section 536.016 RSMo Supp. 1999, and makes an Amended Motion for Finding of Necessity for Rulemaking. This amended motion is made because after the filing of the original motion the federal amendment 192-89 was reported in the September 8, 2000 Federal Register. Amendment 192-89 will go into effect October 10, 2000 and should be included in this rulemaking. This amended motion also includes a statement of fiscal impact and citation corrections. In support of its Amended Motion for Finding of Necessity for Rulemaking Staff states as follows (amended portions are in bold type):

1. Section 536.016 RSMo Supp. 1999 provides that a state agency shall propose rules based upon "a finding by the agency that the rule is necessary to carry out the purposes of the statute that granted such rulemaking authority."

2. The certification agreement between the Missouri Public Service Commission (Commission) and the U.S. Department of Transportation-Office of Pipeline Safety requires the Commission to adopt regulations that are at least as stringent as the federal regulations. **The certification agreement is provided for in 49 U.S.C. 60105(b) and the actual written agreement is kept by the Gas Safety Staff.**

3. Federal regulations have been adopted that are more stringent than the current Commission regulations. This proposed rulemaking will amend 4 CSR 240-40.020, Incident, Annual and Safety-Related Condition Reporting Requirements, and 4 CSR 240-40.030, Safety Standards-Transportation of Gas by Pipeline, to incorporate the following federal amendments to 49 CFR parts 191 and 192: 191-14, 192-82 through **192-89**. Amendment 191-14 provides metric equivalents; 192-82 provides for mandatory participation in qualified one-call systems; 192-83 provides for customer notification regarding excess flow valves; 192-84 provides updated reference documents and minor clarifications to three regulations; 192-85 provides metric equivalents; 192-86 provides for operator qualification; 192-87 provides for determining the extent of corrosion; 192-88 provides for new technologies to be used when repairing steel pipe; **192-89 provides for reporting of abandoned pipelines in navigable waterways.**

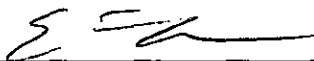
4. **There is no fiscal impact by the proposed rulemaking beyond the fiscal impact of the federal amendments being adopted. The increased expenditures to be incurred under the federal amendments were considered during the federal rulemaking process, and are to be incurred even if the federal amendments are not adopted in the proposed rulemaking.**

5. The Commission's authority to promulgate rules in 4 CSR 240-40.020 and 40.030 is pursuant to Sections 386.250, 386.310 RSMo Supp. 1999, and 393.140 RSMo 1994. Section 386.310 specifically authorizes the Commission to adopt regulations to require every jurisdictional gas pipeline operator to maintain and operate its system in such manner as to promote and safeguard the health and safety of its employees, customers, and the public.

WHEREFORE, the Staff of the Missouri Public Service Commission respectfully requests that the Commission find that the proposed rulemaking is necessary to comply with the certification agreement and to protect consumers and employees of gas pipelines.

Respectfully submitted,

DANA K. JOYCE
General Counsel



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Assistant General Counsel
Missouri Bar No. 47253

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 21st day of September 2000.



Service List for
Case No. GX-2001-91
September 21, 2000

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