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March 30, 2001

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General Counsel

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

RE: Case No. GS-2001-224

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **MOTION TO LATE FILE RESPONSE AND LEAVE CASE OPEN**.

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
(573) 751-7485
(573) 751-9285 (Fax)
eanderso@mail.state.mo.us

EWA:ccl
Enclosure
cc: Counsel of Record

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

FILED³
MAR 30 2001

In the Matter of Missouri Gas Energy)
regarding an incident at 1426 W. 50th)
Terrace, Kansas City, Missouri on August)
8, 2000.

Case No. GS-2001- 224

*Missouri Public
Service Commission*

MOTION TO LATE FILE RESPONSE AND LEAVE CASE OPEN

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its Motion to Late File a Response and Leave Case Open states:

1. The Missouri Public Service Commission ("Commission") has the authority to establish a case for the purpose of receiving information from the public utilities under its jurisdiction pursuant to Section 393.140 RSMo 2000. Missouri Gas Energy ("MGE"), a division of Southern Union Company, is a gas corporation as defined in Section 386.020(18) RSMo 2000 and, as such, is a public utility subject to the Commission's jurisdiction pursuant to Section 386.020(42) RSMo 2000.
2. MGE provides natural gas service in Kansas City, Missouri.
3. On Tuesday, August 8, 2000, at approximately 4:25 p.m., a natural gas flash fire occurred in an excavation in front of 1426 W. 50th Terrace in Kansas City, Missouri.
4. As a result of the flash fire, two contractor workers working for MGE received burns. One worker was transported to a nearby hospital and was treated for 1st, 2nd, and 3rd degree burns on his face and arms, and was released to recuperate at home. The other worker was severely burned and was transported to the Kansas University Burn Center in Kansas City, Kansas where he remains.
5. Staff has initiated a formal investigation into the incident.

6. On October 10, the Commission opened a case to receive information concerning the incident.

7. On February 7, 2001, Staff filed an incident report.

8. On March 8, 2001, MGE filed its response.

9. On March 20, 2001, the Commission adopted an Order Closing Case. The Order provided that Staff had not filed a response to MGE's response and that the case could be closed on March 31, 2001. The Order's effective date is March 30, 2001.

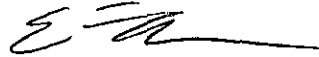
10. Staff is now coming before the Commission, requesting to late file the memorandum attached hereto as exhibit A. Staff still has concerns that have not been satisfied by MGE's response to Staff's Incident Report. Missouri rule section 4 CSR 240-2.015 allows a rule to be waived by the Commission for good cause. The Staff requests to be relieved from the ten day filing requirement provided in 4 CSR 240-2.080(16) as the Staff member investigating this matter was unavailable for response until recently.

11. Staff requests that the case be left open as the MGE response has not satisfied all of Staff's concerns for safety and further information is requested from MGE.

WHEREFORE, the Staff respectfully requests that the Commission leave the case open for the purpose of receiving information, including a response to Staff's reply comments, concerning the incident at 1426 W. 50th Terrace, Kansas City, Missouri.

Respectfully submitted,

DANA K. JOYCE
General Counsel



Eric William Anderson
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 30th day of March 2001.



MEMORANDUM

TO: Missouri Public Service Commission Official Case File
Case File No. GS-2001-224, Missouri Gas Energy

FROM: Rick Fennel^{RF}, Gas Department - Gas Safety / Engineering

Robert L. Donbey 3/24/01 Thomas R. Schwan 3/30/01^{ERA}
Project Coordinator/Date General Counsel's Office/Date

SUBJECT: Staff Reply to *Missouri Gas Energy Response to Staff Incident Report*

DATE: March 29, 2001

BACKGROUND

On February 7, 2001, the Gas Department – Safety / Engineering Staff of the Missouri Public Service Commission (Staff) filed a *Gas Incident Report* (Report) in Case No. GS-2001-224. The Report detailed the Staff's investigation of a natural gas flash fire that occurred August 8, 2000, in an excavation in front of 1426 W. 50th Terrace in Kansas City, Missouri and contained two recommendations to the Company. The flash fire occurred after a contractor accidentally broke a tapping tee off a natural gas main and natural gas escaped from the resulting hole in the main, into the excavation and was ignited. Two contractor employees sustained burns as a result of the flash fire. In the course of their investigation, Staff determined that the Company did not violate any Commission safety regulations. However, Staff made two recommendations to the Company, which were contained in the *Report*.

On February 14, 2001, the Commission issued an *Order Directing Response* for Missouri Gas Energy to file, no later than March 9, 2001, a response to the recommendations contained in the *Incident Report*.

On March 8, 2001, the Company filed *Missouri Gas Energy's Response To Staff Incident Report* (Response) to address the two operational recommendations contained in the *Report*. Upon review, the Staff would like to confirm or clarify certain items in their *Response* to the two recommendations contained in the *Report*.

STAFF'S COMMENTS TO MGE'S RESPONSE

First, the Company indicated in their response that their existing requirements and training are consistent with the Staff's recommendation that personal protective equipment (PPE) be required for any type of operation conducted on "live gas" piping where there is a potential for the accidental release of natural gas, including projects involving abandonments and "live" tie-ins. The Company further states that they do not believe that any revisions to their existing requirements or training are necessary.

The Staff would like to make sure that the Company's existing requirements and training address the use of personal protective equipment during the action of loosening the plug in the tapping tee as was the case in the incident. In the incident, the contractor worker was allowed to remove his PPE prior to attempting to loosen the plug. Staff's recommendation was meant to include the use of PPE during the operation of loosening the plug. The Company's *Response* did not specify that the existing requirements and training address the use of PPE during this operation, and Staff wanted this included.

Second, the Company indicated in their response that their existing requirements and training meet Staff's recommendation concerning the practical elimination of all potential ignition sources in and around an excavation where there is a possibility for the accidental release of natural gas.

In this incident, there was conflicting information where the heating irons were located in relationship to the excavation and whether the heating irons were operating. However, the Staff is unsure if the Company's existing requirements and training address the possibility of operating heating irons being located near an excavation where there is a potential for the accidental release of natural gas, and wanted to make sure this issue was addressed by the Company's *Response*.

Therefore, for all the foregoing reasons, the Staff requests that this case remain open until such time the Company has filed their response to Staff's reply comments and Staff has reviewed the Company's response.

Service List for
Case No. GS-2001-224
March 30, 2001 (ccl)

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