

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held by telephone  
and internet audio conference  
on the 22nd day of April, 2020.

In the Matter of the Application of Roeslein    )  
Alternative Energy Services, LLC for a        )  
Permanent Waiver From Certain                )  
Provisions of 20 CSR 4240-40.030            )

**File No. GE-2020-0238**

**ORDER APPROVING APPLICATION FOR WAIVER**

Issue Date: April 22, 2020

Effective Date: June 26, 2020

Roeslein Alternative Energy Services, LLC (RAES) seeks a waiver of the gas odorization requirement of Commission Rule 20 CSR 4240-40.030(12)(P). The Commission will grant RAES' request for waiver.

RAES filed an application on February 6, 2020, requesting waiver of compliance with gas odorization required by Commission Rule 20 CSR 4240-40.030(12)(P) in operation of a gas transmission line in Mercer County, Missouri. RAES amended its application on February 10, 2020. RAES also requested waiver of the 60-day notice requirement under 20 CSR 4240-4.017. RAES' pipeline will transport gas about 8.77 miles for injection into the ANR interstate pipeline. Gas in the ANR pipeline is not odorized, pursuant to the tariff established by the Federal Energy Regulatory Commission, so any odorant would have to be removed before injection.

On April 7, 2020, Staff recommended that the Commission approve RAES' application for waiver subject to four conditions. RAES and the Office of the Public

Counsel indicated no objection to Staff's recommendation to approve the application with conditions.

The Commission may waive compliance with any of the requirements of Commission Rule 20 CSR 4240-40.030 upon a showing that gas safety is not compromised, pursuant to 20 CSR 4240-40.030(18). The Commission has reviewed and considered RAES' amended application and Staff's recommendation and determines waiver of the gas odorization requirement, with Staff's proposed conditions, will not compromise gas safety. Staff's proposed conditions require leakage surveys and patrols at intervals of no more than four and one-half months, an annual class location study of the pipeline, and direct monitoring of the pipeline during excavation. In addition, no customers may be served from the pipeline in Missouri without Commission approval. The Commission will grant the waiver request with conditions.

In addition, the Commission will grant RAES' request for waiver of the 60-day notice requirement under 20 CSR 4240-4.017. The Commission finds good cause exists for waiver, based on RAES' verified declaration that it had no communication with the Office of the Commission regarding substantive issues in the application within 150 days before RAES filed its application.

Finally, federal law requires 60 days' written notice to the U.S. Secretary of Transportation, pursuant to 49 U.S.C. § 60118, when a state commission would waive a requirement under 49 C.F.R. part 192. Contact information posted on the U.S. Department of Transportation website requests electronic communications rather than correspondence by mail, given the COVID-19 pandemic.<sup>1</sup> The Commission will direct

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<sup>1</sup> Assistance to the Public During COVID-19, U.S. Department of Transportation (Mar. 27, 2020), <https://www.phmsa.dot.gov/news/assistance-public-during-covid-19> (visited April 14, 2020) (requesting

immediate written notice of this order to the Secretary of the U.S. Department of Transportation by email to the address provided on the department's website. To accommodate the notice requirement, the Commission will make this order effective 65 days after the date of issuance.

**THE COMMISSION ORDERS THAT:**

1. Roeslein Alternative Energy Services, LLC's application for waiver from compliance with gas odorization required by Commission Rule 20 CSR 4240-40.030(12)(P) in operation of a gas transmission line in Mercer County, Missouri, is granted, subject to the following conditions:

- a. RAES may not serve any Missouri customers from the gas transmission pipeline in Mercer County, Missouri, subject to this waiver without prior Commission approval;
- b. RAES shall conduct leakage surveys and patrols along the entire length of the pipeline at intervals not exceeding four and one-half months and at least four times per calendar year;
- c. RAES shall conduct an annual class location study of the gas transmission pipeline in Mercer County, Missouri, and notify Commission Staff of any class location changes within 30 days of discovery; and
- d. Whenever RAES is aware, through notice by Missouri One Call or another source, that the pipeline lies within the area described in a notice of excavation, or is within 2 feet of such area, in addition to following the requirements of Chapter 319 of the Revised Statutes of Missouri to locate its line, RAES will have personnel onsite to monitor for damage to its pipeline during excavation.

2. The 60-day notice requirement of Commission Rule 20 CSR 4240-4.017(1) is waived for good cause.

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correspondence via email and providing list of email addresses).

3. By no later than 5 p.m. April 23, 2020, the Commission's data center shall provide written notice of this order to the U.S. Secretary of Transportation by attaching a copy of this order in an email message addressed to PHMSA.Pipelinesafety@dot.gov with "Notice to Secretary of Transportation" indicated in the subject line.

4. This order shall be effective on June 26, 2020.

5. This file shall close on July 27, 2020.



**BY THE COMMISSION**

A handwritten signature in dark ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Silvey, Chm., Kenney, Rupp, Coleman, and  
Holsman CC., concur.

Jacobs, Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 22<sup>nd</sup> day of April 2020.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**April 22, 2020**

**File/Case No. GE-2020-0238**

**Missouri Public Service  
Commission**

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**Roeslein Alternative Energy  
Services, LLC**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.