

Report From Agency

BEFORE THE PUBLIC SERVICE COMMISSION OF WISCONSIN

Natural Gas Safety Rules - Adoption of Federal Codes

1-AC-219

Clearinghouse Rule 06-106

ORDER ADOPTING FINAL RULES

The Commission proposes to amend PSC 135.019 (3) to incorporate by reference recent changes to the federal pipeline safety regulations.

REPORT TO THE LEGISLATURE

Set forth as Attachment A.

FISCAL ESTIMATE

This rule change has no fiscal impact, and no financial impact on the private sector. A completed Fiscal Estimate form is included as Attachment B.

EFFECTIVE DATE

These rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2)(intro.), Stats.

CONTACT PERSON

Questions from the media may be directed to Linda Barth, Director of Governmental and Public Affairs at (608) 266-9600. Other questions regarding this matter should be directed to docket coordinator Tom Stemrich, Pipeline Safety Program Manager, at (608) 266-2800.

Docket 1-AC-219

Hearing or speech-impaired individuals may use the Commission's TTY number, if calling from Wisconsin (800) 251-8345, if calling from outside Wisconsin (608) 267-1479.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to obtain this document in a different format should contact the docket coordinator listed above.

Dated at Madison, Wisconsin, March 8, 2007 _____

By the Commission:

/s/ Sandra J. Paske
Sandra J. Paske
Secretary to the Commission

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Attachments

REPORT TO THE LEGISLATURE**A. NEED FOR THE RULE**

Under an agreement with the federal Department of Transportation, Office of Pipeline Safety, the Commission is authorized to enforce federal natural gas pipeline safety requirements as set out in the Code of Federal Regulations, 49 CFR Parts 192, 193, and 199. As part of the agreement, the Commission agrees to adopt those parts of the federal code that apply to pipeline safety. An update to our rule to include federal code revisions is needed.

B. PLAIN LANGUAGE ANALYSIS

Statutory authority: ss. 196.02 (1) and (3), 196.745 and 227.11, Stats.

Statute interpreted: s. 196.745

Under an agreement with the federal Department of Transportation, Office of Pipeline Safety, the Commission is authorized to enforce federal natural gas pipeline safety requirements as set out in the Code of Federal Regulations, 49 CFR Parts 192, 193, and 199. As part of the agreement, the Commission agrees to adopt those parts of the federal code that apply to pipeline safety. The state adopts the federal pipeline safety code in Wis. Admin. Code s. PSC 135.019. The Commission last promulgated revisions to s. PSC 135 in 2003. Since then, the federal DOT has adopted several final rules which revise the pipeline safety code. These changes include:

Federal Amendment 192-94, relating to consensus industry standards and various technical standards. This rule took effect July 14, 2004.

Federal Amendment 192-95, relating to pipeline integrity management in high consequence areas. This rule took effect on January 14, 2004.

Federal Amendment 192-96, relating to the operation and capacity of existing pressure limiting and regulating stations on gas pipelines, and establishing an appropriate pressure limit. This rule took effect on September 14, 2004.

Federal Amendment 192-97, relating to transmission lines accommodating the passage of internal inspection devices. This rule took effect on July 28, 2004.

Federal Amendment 192-98, relating to periodic underwater inspections of pipeline facilities located in the Gulf of Mexico and its inlets in waters less than 15 feet deep.¹ This rule took effect on September 9, 2004.

Federal Amendment 192-99, relating to the requirements for pipeline operators to develop and implement public awareness programs. This rule took effect June 20, 2005.

¹ This rule would be adopted because it could be expanded to include the great lakes navigable waters in the future.

Federal Amendment 192-100, relating to programs conducted by operators of gas and hazardous liquid pipelines to qualify individuals who perform certain safety-related tasks on pipelines. This rule took effect July 1, 2005.

C. TEXT OF THE RULE

1 SECTION 1. PSC 135.019 (1) is amended to read:

2

3 **PSC 135.019 (1)** The federal department of transportation, office of pipeline safety, pipeline
4 safety standards, as adopted through ~~November 25, 2003~~ the effective date of this
5 subsection...[revisor inserts date],... and incorporated in 49 CFR Parts 192, 193 and 199,
6 including the appendices, are adopted as state pipeline safety standards and incorporated by
7 reference into this chapter.

8

9 SECTION 2. EFFECTIVE DATE. This rule shall take effect on the first day of the month following
10 publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

11 (end)

D. PUBLIC HEARING ATTENDEES

The following are the names of those who attended the public hearings. No comments were submitted about the proposed rule.

Attended, but did not comment:

Phil Gozy
Utility Workers Coalition

Mike Pyne
IBEW 965

Debbie Tschudy
WE Energies

E. RESPONSE TO LEGISLATIVE COUNCIL REPORT

A copy of the Legislative Council’s report is included with this Report as Attachment A1. The suggested change has been made.

F. FINAL REGULATORY FLEXIBILITY ANALYSIS

The rules being repealed are not expected to affect small business as defined in s. 227.114 (1), Stats.



LCRC
FORM 2

**WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE**

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 06-106

AN ORDER to amend PSC 135.019 (3), relating to incorporating by reference recent changes to the federal pipeline safety regulations.

Submitted by **PUBLIC SERVICE COMMISSION**

09-14-2006 RECEIVED BY LEGISLATIVE COUNCIL.

09-20-2006 REPORT SENT TO AGENCY.

RNS:DLL

Clearinghouse Rule No. 06-106
Form 2 – page 2

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]
Comment Attached YES NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]
Comment Attached YES NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]
Comment Attached YES NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]
Comment Attached YES NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]
Comment Attached YES NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]
Comment Attached YES NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]
Comment Attached YES NO



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CLEARINGHOUSE RULE 06-106

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

- a. The format for the rule preface found in s. 1.02 (2) (a), Manual, should be followed.
- b. The rule does not tell the Revisor of Statutes what date to insert. (It also misspells “Revisor.”) The correct format is “... ~~November 25, 2003~~ the effective date of this subsection ... [revisor inserts date],” In the alternative, the agency simply could choose a date such as July 1, 2006.

<p>2005 Session</p> <p>LRB or Bill No./Adm. Rule No. Ch. PSC 135 – 1-AC-219</p> <p>Amendment No. if Applicable</p>				
<p style="text-align: center;"> <input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL </p> <p>FISCAL ESTIMATE DOA-2048 N(R10/96)</p>				
<p>Subject Amend PSC Rules on Pipeline Safety to Include by Reference Recent Changes in Federal Rules. Docket 1-AC-219</p>				
<p>Fiscal Effect State: <input checked="" type="checkbox"/> No State Fiscal Effect</p> <p>Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.</p> <table style="width:100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation </td> <td style="width: 50%; border: none;"> <input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs </td> </tr> </table>		<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation	<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs	
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<p>Local: <input checked="" type="checkbox"/> No local government costs</p> <table style="width:100%; border: none;"> <tr> <td style="width: 33%; border: none;"> 1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </td> <td style="width: 33%; border: none;"> 3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </td> <td style="width: 33%; border: none;"> 5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts </td> </tr> </table>		1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
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<p>Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>Affected Ch. 20 Appropriations 20.155 (1) (g)</p>			
<p>Assumptions Used in Arriving at Fiscal Estimate</p> <p>The proposed rule changes incorporate six recent Federal Rule Amendments into Ch. PSC 135 that primarily relate to gas and hazardous liquid pipeline operators. Because these Federal Rules are already in existence and applicable to operators this incorporation of those rule places no additional fiscal or program requirements on the operators.</p>				
<p>Long-Range Fiscal Implications NONE</p>				
<p>Agency/Prepared by: (Name & Phone No.) Gordon Grant 267-9086</p>	<p>Authorized Signature/Telephone No. Gordon Grant</p>	<p>Date 5/24/2006</p>		