

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Natural Gas Safety Rules Update

1-AC-208

FINAL ORDER ADOPTING RULES

The Public Service Commission adopts an order to amend § PSC 135.019 (1) of the Wisconsin Administrative Code to incorporate by reference recent changes to the federal pipeline safety regulations.

**ANALYSIS PREPARED BY
THE PUBLIC SERVICE COMMISSION OF WISCONSIN**

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

Under an agreement between the federal Department of Transportation, Office of Pipeline Safety, (DOT) 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 relevant federal provisions are incorporated in ch. PSC 135, Wis. Adm. Code. The Commission last promulgated revisions to ch. PSC 135 in 1999. Since then, the federal DOT has adopted several final rules which revise the federal pipeline safety code. This amendment adopts those federal regulations and incorporates them by reference. The federal changes include:

Federal Amendment 192-86, relating to qualification of pipeline personnel. This rule took effect August 27, 1999.

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Federal Amendment 192-87, relating to determining the extent of corrosion on gas pipelines. This rule took effect on November 22, 1999.

Federal Amendment 192-88, relating to pipeline safety: gas and hazardous liquid pipeline repair. This rule took effect on January 13, 2000.

Federal Amendment 192-89, relating to underwater abandoned pipeline facilities. This rule took effect on October 20, 2000.

Federal Amendment 192-90, relating to qualification of pipeline personnel corrections. This rule took effect on August 20, 2001.

Federal Amendment 192-91, relating to safety in high consequence areas for gas transmission pipelines. This rule took effect on September 5, 2002.

Federal Amendment 192-92, relating to producer-operated outer continental shelf natural gas and hazardous liquid pipelines that cross directly into state waters. This rule took effect on September 4, 2003.

Federal Amendment 192-93, relating to adoption of the recommendations of the National Association of Pipeline Safety Representatives. This rule took effect on October 15, 2003.

Federal Amendment 193-17, relating to incorporation of standard NFPA 59A in the liquefied natural gas regulations. This rule took effect March 31, 2000.

Federal Amendment 199-19, relating to drug and alcohol testing for pipeline facility employees. This rule took effect September 11, 2001.

Of the federal regulations, the most significant change for natural gas public utilities in this state relates to the qualifications of pipeline personnel. This federal regulation requires pipeline operators to develop and maintain a written qualification program for individuals performing covered tasks on pipeline facilities. The intent of this qualification rule is to ensure a qualified work force and to reduce the probability and consequence of incidents caused by human error.

FISCAL ESTIMATE

This rule has no fiscal impact. A completed Fiscal Estimate form is attached.

REGULATORY FLEXIBILITY ANALYSIS

Natural gas utilities may experience modest increases in the cost of complying with new pipeline safety rules due to increased requirements for operator qualifications. The proposed rules will have no effect on small business.

TEXT OF PROPOSED RULE

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

PSC 135.019 (1) The federal department of transportation, office of pipeline safety, pipeline safety standards, as adopted through ~~May 20, 1999~~ November 25, 2003, and incorporated in 49 CFR Parts 192, 193 and 199, including the appendices, are adopted as state pipeline safety standards and incorporated by reference into this chapter.

SECTION 2 EFFECTIVE DATE This rule takes effect as provided in s. 227.22 (2) (intro.), Stats.

(end)

THE COMMISSION ORDERS:

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.

Dated at Madison, Wisconsin, _____

By the Commission:

Lynda L. Dorr
Secretary to the Commission