

STATEMENT OF SCOPE

Public Service Commission of Wisconsin (Docket 1-AC-248)

Rule No.: ch. PSC 135

Relating to: Adoption of updated federal gas pipeline safety regulations

1. Description of the objective of the rule and expected financial impact:

The proposed rule revision adopts, for state purposes, changes to the federal pipeline safety code that have been enacted since the last revisions to the state pipeline safety code were adopted. The state has adopted federal pipeline safety provisions in Wis. Admin. Code ch. PSC 135. Adoption of these amendments will keep the commission in compliance with its obligation to adopt all federal changes in the pipeline safety area.

2. Description of existing policies relevant to the rule and new policies proposed to be included in the rule and analysis of policy alternatives; the history, background and justification for the proposed rule:

Under an agreement with the U.S. 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 adopts the federal pipeline safety code in s. PSC 135.019. The commission's latest version of that rule adopts the federal code up to May 1, 2015. New gas pipeline safety code requirements are generally enacted in October of each year. As a result, the commission needs to amend its rule to include those federal rule changes made since May 2015. Since the rulemaking process takes a while, it is being started now in anticipation of changes this October.

This rule will result in no economic impact since pipeline operators are required, under federal law, to follow the federal regulations. This rulemaking just updates the state's enforcement authority.

3. Statutory authority for the rule (including the statutory citation and language):

This rule is authorized under ss. 196.02 (1) and (3), and 227.11, Stats.

Section 227.11, Stats., authorizes agencies to promulgate administrative rules. Section 196.02 (1), Stats., authorizes the commission to do all things necessary and convenient to its jurisdiction. Section 196.02 (3), Stats., grants the commission specific authority to promulgate rules.

Under an agreement with the U.S. Department of Transportation, Office of Pipeline Safety, the commission agrees to adopt those parts of the federal code that apply to pipeline safety.

4. Estimate of the amount of time that state employees will spend to develop the rule and of other resources necessary to develop the rule:

The commission estimates that fewer than 100 hours of employee time will be required to develop the rules.

5. Description of all entities that may be impacted by the rule:

Every intrastate gas pipeline operator that operates gas transmission or distribution facilities in this state will be impacted by the rule.

6. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule:

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Contact Person:

Joyce Dingman, (608) 267-6919 or Joyce.Dingman@wisconsin.gov