

**IN RE: REVISIONS TO THE COMMISSION'S
GAS PIPELINE SAFETY RULES**

DOCKET 17545

ORDER APPROVING STAFF'S PROPOSED RULES REVISIONS

BY THE COMMISSION:

By Order entered in this cause on April 21, 2004, the Commission established this rulemaking proceeding to consider Revised Gas Pipeline Safety Rules and Regulations for the Commission. The revisions to said rules proposed by staff from the Commission's Gas Pipeline Safety ("GPS") Section of the Commission's Energy Division were attached to the Commission's April 21, 2004 Order.

The Commission's April 21, 2004 Order afforded an opportunity for interested parties to submit Comments concerning the GPS staff's proposed rules on or before May 21, 2004. Interested parties were further afforded an opportunity to submit Reply Comments on or before June 11, 2004.

The only initial Comments received by the Commission were submitted by the City of Alexander City's Gas Department and the Southeast Alabama Gas District. The comments of the City of Alexander City and the Southeast Alabama Gas District were subsequently withdrawn, however, due to clarification provided by the GPS staff. Given the absence of any initial Comments, the Commission concluded at its June 8, 2004 meeting that no purpose would be served by allowing the Reply Comment cycle to run. The Commission accordingly voted to adopt the modifications to the Commission's Gas Pipeline Safety Rules and Regulations proposed by GPS staff which are attached hereto as Appendix A. The revised rules adopted herein shall become effective commensurate with the effective date of this Order.

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IT IS SO ORDERED BY THE COMMISSION.

IT IS FURTHER ORDERED BY THE COMMISSION, That jurisdiction in this cause is hereby retained for the issuance of any further order or orders as may appear to be just and reasonable in the premise.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 21st day of June, 2004.

ALABAMA PUBLIC SERVICE COMMISSION

Jim Sullivan, President

Jan Cook, Commissioner

George C. Wallace, Jr., Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr., Secretary

APPENDIX A

**ALABAMA PUBLIC SERVICE COMMISSION
RULES AND REGULATIONS FOR GAS PIPELINE SAFETY**

Rule 1 – Applicability

These rules and regulations shall govern public utilities and persons subject to Title 37, Chapter 4, Article 3 and Article 3A of the Code of Alabama 1975.

Rule 2 – Operating and Maintenance Plans – Filings

All public utilities and persons, as defined by Section 37-4-80(1) or Section 37-4-90(1), Code of Alabama 1975, shall file with this Commission on or before the effective date of these rules, an operating and maintenance plan which meets the requirements of Title 49 C.F.R. Part 192.601 or 195.400, et seq.

Rule 3 – Emergency Plans – Filings

All public utilities and persons, as defined by Section 37-4-80(1) or Section 37-4-90(1), Code of Alabama 1975, shall file with this Commission on or before the effective date of these rules, an emergency plan which meets the requirements of Title 49 C.F.R. Part 192.615 or 195.402, et seq.

Rule 4 – Updating of Filings

All public utilities and persons, as defined by Section 37-4-80(1) or Section 37-4-90(1), Code of Alabama 1975, shall keep current the filings required by Rules 2 and 3 by filing with this Commission, within 10 days of adoption, any amendments, revisions, substitutes or revisions of the filings required by Rules 2 and 3.

Rule 5 – Drug Testing of Employees by Pipeline Operators

Operators of pipeline facilities subject to the jurisdiction of this Commission shall adopt an employee drug testing program that complies with the requirements of Title 49 C.F.R., Part 199, and any future amendments thereto.

Rule 6 – Reporting of Construction Work

All construction work involving the addition and/or replacement of gas or hazardous liquids pipelines or mains greater than 1000 feet in length shall be reported to the Alabama Public Service Commission before construction begins.

Rule 7 – Annual Reporting

All public utilities and persons, as defined by Section 37-4-80(1) or Section 37-4-90(1), Code of Alabama 1975, shall file annually with this Commission on or before March 15, for the preceding calendar year, a copy of U.S. Department of Transportation Form RSPA F 7100.1-1 which meets the requirements of Title 49 C.F.R. Part 191.11

Rule 8 – Safety Related Condition Reports

All public utilities and persons, as defined by Section 37-4-80(1) or Section 37-4-90(1), Code of Alabama 1975, shall file updates to all Safety Related Condition Reports each 30 days until such “*Condition*” has been resolved to meet the requirements of “Guidelines for States Participating in the Pipeline Safety Program, paragraph 6.3, pg. 28.

Regulation GPS – 1

Suspension of Gas Supply – Upon Commission order, a gas distribution system shall

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suspend until further Commission order the gas supply on a three hour notice to any pipeline system or applicable portion thereof:

- a) When any owner or controlling entity of a non-conforming gas pipeline system has been previously cited by the Commission for such non-conformance and has subsequently failed to bring such system into compliance for an additional 30 days after the citation hearing.
- b) Whenever a Commission inspector discovers or verifies hazardous conditions existing in a pipeline system that create an immediate danger to human life or property.