

(Decision No. C89-766)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
REQUESTING A WAIVER, AS MORE FULLY)
DESCRIBED HEREIN, UNDER RULE 1 OF)
THE COMMISSION'S RULES REGULATING)
THE SERVICE OF GAS UTILITIES.)

DOCKET NO. 89A-223G
COMMISSION ORDER

May 31, 1989

On April 19, 1989, Public Service Company of Colorado (Public Service) filed Docket No. 89A-223G requesting a Waiver under Rule 1 of the Commission's Rules Regulating the Service Against Utilities in order to install a dedicated unodorized natural gas pipeline to the B.F. Goodrich facility in Pueblo, Colorado. Notice of the application was given on April 24, 1989. No protests or petitions to intervene have been filed in connection with this application. Therefore the application is unopposed and may be determined in accordance with 40-6-109(5) C.R.S., and rule 24 of the Commission's Rules of Practice and Procedure.

FINDINGS OF FACT

1. Public Service Company is a public utility engaged, inter alia, in the purchase, distribution and sale of natural gas in various areas of the State of Colorado.
2. Public Service Company is proposing to install a dedicated unodorized natural gas pipeline to the B.f. Goodrich facility in Pueblo, Colorado. The distribution line consists of installing approximately 800 feet of pipeline from a transmission line owned and operated by CIG to the metering facility at the B.F. Goodrich plant.
3. Due to the specific uses of the natural gas at the facility, the gas must be essentially void of sulfur compounds. As a result, to odorize the natural gas for the 800 feet of pipeline and then attempt to remove the odorant would not be logical or economical.
4. An obvious concern in not having the gas odorized is detection of leaks. To insure that any leakage would be detected in a timely manner, Public Service Company is proposing to leak survey the proposed facilities twice a year.
5. Pursuant to Rules 18 and 24 of the Commission's Rules Regulating the Service of Gas Utilities, unless otherwise specified by the Commission, a gas utility is required to comply with the United States Department of Transportation Federal Minimum Safety Standards contained in Title 49, C.R.R. 192.0 as of November 1, 1983. Title 49, C.F.R. 192.625 generally provides that natural gas in a distribution line must contain a natural odorant or be odorized.

[Paragraph nos. 6-8 missing from original]

9. Because the distribution line involved herein is an intrastate pipeline, waiver of the DOT regulations must be accomplished as a two-fold process. First, a waiver must be obtained

from this Commission because it has incorporated said DOT regulation into its Rules Regulating the Service of Gas Utilities. Second, following receipt by DO1 of a waiver granted by this Commission, a request for waiver shall then be considered by DOT. A copy of relevant correspondence between DOT and Public Service Company was attached to the application.

10. Rule 1 of the Commission's Rules Regulating the Service of Gas Utilities provides that the Commission may permit deviation from said rules if it finds compliance therewith to be impossible, impracticable or unnecessary.

11. Public Service Company submits that it is impracticable to odorize the gas since B.F. Goodrich will then deodorize same and it is unnecessary to odorize the gas because other steps will be taken to assure detection of gas leaks.

12. In addition, Public Service Company of Colorado should (1) place live markers every 200 feet along the lateral of the pipeline to protect against damage to the line due to any excavating activity by B.F. Goodrich Co. (2) advise B.F. Goodrich Co. in writing of the hazard associated with using unodorized gas within its plant, and (3) recommend in writing to B.F. Goodrich Co. that gas leak detection be installed which is similar to the type used in enclosed compressor stations.

13. Granting of the instant application will not create a safety hazard and is in the public interest.

THEREFORE THE COMMISSION ORDER THAT:

1. Docket No. 89A-223G, filed by Public Service Company of Colorado on April 19, 1989, is granted.

2. Public Service Company of Colorado is granted a waiver from Rule 1 of the Commission's Rules Regulating the Service of Gas Utilities so as to be able to install a dedicated unodorized natural gas pipeline to the B.F. Goodrich facility in Pueblo, Colorado consisting of approximately 800 feet of pipeline from a transmission line owned and operated by Colorado Interstate Gas Company to the metering facility at the B.F. Goodrich plant.

In addition, Public Service Company of Colorado shall (1) place live markers every 200 feet along the lateral of the pipeline to protect against damage to the line due to any excavating activity by B.F. Goodrich CO. (2) advise B.F. Goodrich Co. in writing of the hazard associated with using unodorized gas within its plant, and (3) recommend in writing to B.F. Goodrich Co. that gas leak detection be installed which is similar to the type used in enclosed compressor stations.

3. A Certified Copy of this Decision shall be forwarded to:

Verdell M. Simpkins
Chief, Dockets Unit
Exemptions and Approvals Division
Office of Hazardous Materials
Transportation
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Reference shall be made in sending a copy of this Decision to Petition No. 89-1W which has been filed by Public Service Company of Colorado with the United States Department of Transportation.

This Decision is effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(SEAL)

Ronald L. Lehr
Gary L. Nakarado
Commissioners
Chairman Arnold H. Cook Absent

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF)
COLORADO REQUESTING A WAIVER, AS) APPLICATION NO. 89A-223G
MORE FULLY DESCRIBED HEREIN,)
UNDER RULE 1 OF THE COMMISSION'S)
RULES REGULATING THE SERVICE OF)
GAS UTILITIES.)

MOTION TO AMEND DECISION NO. C89-766

Public Service Company of Colorado ("Public Service") by its attorneys, Kelly, Stansfield & O'Donnell, hereby moves for an order amending Commission Decision No. C89-766 and as grounds therefore states as follows.

1. On April 19, 1989 Public Service filed this Application requesting a waiver under Rule 1 of the Commission's Rules Regulating the Service of Gas Utilities in order to install a dedicated unodorized natural gas pipeline to the B.F. Goodrich facility in Pueblo, Colorado.
2. On May 31, 1989 the Commission issued Decision No. C89-766 granting the Application with certain conditions.
3. In order to install the pipeline Public Service must, in addition to Commission approval, obtain a waiver from the United States Department of Transportation (DOT).
4. On June 19, 1989 the DOT sent the Commission a letter stating that it would not grant the waiver unless Commission Decision No. C89-766 was amended to require Public Service to undertake instrument leak surveys twice a year, at intervals not exceeding seven and one-half months, pursuant to 49 C.F.R. 192-706(b)(1).
5. Public Service has no objections to complying with these requirements and accordingly requests that Decision No. C89-766 be amended accordingly.

6. In addition, because time is of the essence in this Application, Public Service requests that response time for this motion be waived.

WHEREFORE, Public Service prays that Commission Decision C89-766 be amended so that the ordering portion of the Decision include the following paragraph:

3. Public Service shall be required to perform instrument leak surveys on the line twice a year, at intervals not exceeding seven and one-half months in compliance with the requirements of 49 C.F.R. 192-706(b) (1).

DATE: June 27, 1989

Respectfully submitted,

KELLY, STANSFIELD & O'DONNELL

Kenneth V. Reif, #10666
550 15th Street, Suite 900
Denver, Colorado 80202
Telephone: 825-3534

Attorneys for Public Service
Company of Colorado

CERTIFICATE OF SERVICE

_____ I hereby certify that a true and correct copy of the foregoing MOTION TO AMEND DECISION NO. C89-766 has been deposited in the United States mail, postage prepaid, on this 27th day of June, 1989 addressed to the following:

John A. Adamchik
Project Manager
B.F. Goodrich Company
50 William White Blvd.
Pueblo, CO 81001

(signature illegible)

(Decision No. C89-954)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
REQUESTING A WAIVER, AS MORE FULLY)
DESCRIBED HEREIN, UNDER RULE 1 OF)
THE COMMISSION'S RULES REGULATING)
AMEND)
THE SERVICE OF GAS UTILITIES)

DOCKET NO. 89A-223g
COMMISSION ORDER
GRANTING MOTION TO
DECISION NO. C89-766

JULY 12, 1989

STATEMENT, FINDINGS, AND CONCLUSIONS

BY THE COMMISSION:

On May 31, 1989, the Commission issued Decision No. C89-766 in this docket granting Public Service Company of Colorado (PSCo) a waiver from Rule 1 of the Commission's Rule Regulating the Service of Gas Utilities so as to be able to install a dedicated unodorized natural gas pipeline to the B.F. Goodrich facility in Pueblo, Colorado.

On June 23, 1989, the Commission received a letter from Richard L. Beam, Director, Office of Pipeline Safety, U.S. Department of Transportation (DOT), stating that his office had reviewed Decision No. C89-766. The office objects to the decision because it does not explicitly make the leak survey requirement as a condition of the waiver granted. Under 49 CFR 192.706(b)(1), transmission lines that are allowed to transport odorless or unodorized gas in Class 3 locations must be leak surveyed with leak detector equipment twice a year at intervals not exceeding 7 1/2 months. The waiver granted PSCo applies to a distribution line, but DOT objects to the waiver because it believes the leak survey requirement should, nonetheless, apply here.

On June 27, 1989, PSCo filed a Motion to Amend Decision No. C89-766 advising it had no objection to the DOT request and it proposed that Decision No. C89-766 be amended to require PSCo, as a condition of the previously granted waiver, to comply with 49 CFR 192.706(b)(1). PSCo requests that response time to the motion be waived. Both the motion and the request for response time to be waived should be granted.

Decision No. C89-766 should be amended by the addition of Ordering Paragraph No. 3 to follow. Previous Ordering Paragraph No. 3 should be renumbered Ordering Paragraph No. 4.

THEREFORE THE COMMISSION ORDERS THAT:

1. The Motion to Amend Decision No. C89-766 filed on June 27, 1989, by Public Service Company of Colorado is granted.
2. Decision No. C89-766 is amended by adding Ordering Paragraph No. 3 to that Decision as follows:
 3. Public Service Company of Colorado shall be required to perform instrument leak surveys on the pipeline twice a year, at intervals not exceeding 7 1/2 months, pursuant to the standards set forth in 49 CFR 192.706(b)(1).
3. Previous Ordering Paragraph No. 3 in Decision No. C89-766 shall be renumbered Ordering Paragraph No. 4.

This Decision is effective immediately.

DONE IN OPEN MEETING July 12, 1989.

(SEAL)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

ARNOLD H. COOK
GARY L. NAKARADO

Commissioners

COMMISSIONER RONALD L. LEHR ABSENT

June 19, 1989

Mr. Arnold H. Cook
Chairman
Colorado Public Utilities Commission
1580 Logan Street
Denver, Colorado 80203

Dear Mr. Cook:

We have reviewed the Commission's order dated May 31, 1989, (Docket No. 89A-2239) which granted the Public Service Company of Colorado a waiver from compliance with the odorization requirements of 49 CFR 192.625, subject to certain compensatory safety conditions. The waiver applies to a proposed 800-foot distribution line to be constructed in a Class 3 location in Pueblo, Colorado, between a Colorado Interstate Gas Company transmission line and a B. F. Goodrich facility.

The order states that the Company has proposed to leak survey the 800-foot pipeline twice a year, but we note that a leak survey requirement was not adopted as a condition of the waiver. Under 49 CFR 192.706 (b) (1), transmission lines that are allowed to transport odorless or unodorized gas in Class 3 locations must be leak surveyed with leak detector equipment twice a year at intervals not exceeding 7 1/2 months. Although the waiver applies to a distribution line, we believe the Company should be obligated to meet this transmission line requirement with respect to the proposed 800-foot pipeline. Therefore, we object to the waiver unless the Commission's order is amended to make compliance with the twice-a-year leak survey requirement of 49 CFR 192.706 (b) (1) a further condition of the waiver.

If our objection is removed by amendment of the order as indicated above, the waiver may take effect as planned. Otherwise, pursuant to 49 App. U.S.C. 1672(d), the Commission's order is stayed, and the Commission may appeal this matter and request a hearing within 90 days.

Sincerely,

Richard L. Beam
Director
Office of Pipeline Safety

cc:
Mr. George Parkins
Chief Engineer
Colorado Public Utilities Commission
Logan Tower - Office Level 2

Room 104
1580 Logan Street
Denver, Colorado 80203

cc:
DPS-1/2/10/11/20/28; DCC-1

DPS-11:LMFurrow:rak:366-2392:6/7/89
File: Colorado State Waiver

July 20, 1989

Mr. Arnold H. Cook
Chairman
Colorado Public Utilities Commission
1580 Logan Street
Denver, Colorado 80203

Dear Mr. Cook:

This is to acknowledge receipt of the Commission's order dated July 12, 1989, amending Decision No. C 89-766 in Docket No. 89A-223G. As a result of this amendment, our objection to the waiver granted the Public Service Company of Colorado in that docket is withdrawn, and the waiver may take effect.

Sincerely,

Richard L. Beam
Director
Office of Pipeline Safety

cc:
DPS-1/2/10/11/20/28; DCC-1

DPS-11:LMFurrow:rak:366-2392:7/18/89
FILE: Colorado State Waiver File