

NOTICE OF
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Office of Administrative Rules.

Agency Information

1. Agency: Public Service Commission - Administration
 Room no.:
 Building: HEBER M WELLS BLDG
 Street address 1: 160 E 300 S
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84111-2316
 Mailing address 1: PO BOX 45585
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84111-5585

Contact person(s):

Name:	Phone:	Fax:	E-mail:
Sheri Bintz	801-530-6714	801-530-6796	sbintz@utah.gov
Melanie Reif	801-530-6709	801-530-6796	mreif@utah.gov

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 42331 Date filed: 11/15/2017 04:33 PM
 State Admin Rule Filing Key: 159640
 Utah Admin. Code ref. (R no.): R 746 - 409 - 1
 Changed to Admin. Code ref. (R no.): - -

Title

2. Title of rule or section (catchline):
 General Provisions

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:

The purpose of this proposed amendment is to update the date of the referenced U.S. Department of Transportation pipeline safety regulations from September 1, 2015 to September 1, 2017.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.

No

Rule Summary

6. Summary of the rule or change:

Currently, R746-409 adopts the federal pipeline safety regulations codified in 49 CFR Parts 190, 191, 192, 198, and 199, effective September 1, 2015. The rule change updates the amendment date from September 1, 2015 to September 1, 2017. There are no substantive changes between the September 1, 2015 and September 1, 2017 amendment dates. The changes are summarized as follows: Part 190 – miscellaneous changes to Pipeline Safety enforcement and regulatory procedures; Part 191 –miscellaneous changes to Pipeline Safety Regulations on reporting of annual reports, incident reports, and safety related condition reports; Part 192 – miscellaneous changes to Pipeline Safety Regulations such as: expansion of use of Excess Flow Valves on new commercial and large volume customer services, and operator qualification, cost recovery, accident and incident notification, and other Pipeline Safety changes and is a cost recovery procedure for the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) for review of special permits, construction over \$2.5M, and operator qualification plan and procedures; Part 198 – provides a procedure for how a state with an inadequate damage prevention enforcement program may seek reconsideration by PHMSA; and Part 199 –addresses operator qualification, cost recovery, accident and incident notification, and other Pipeline Safety changes and is a cost recovery procedure for PHMSA.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

The proposed rule change should not result in any costs to the state because the Division of Public Utilities mainly enforces pipeline safety rules and the amendment reflects current requirements.

B) Local government:

Affected: No

This rule applies to natural gas public utilities operated by local governments. Since local governments are already expected to operate pursuant to the federal regulations and state requirements incorporated or formalized in this rule change, no anticipated costs are expected.

C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

This rule applies to operators of natural gas master meter systems and pipeline facilities. Since small businesses are already expected to operate pursuant to the federal regulation and state requirements incorporated or formalized in this rule change, no anticipated costs are expected.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

Since persons are already expected to operate pursuant to the federal regulation and state requirements incorporated or formalized in this rule change, no anticipated costs are expected.

Compliance Cost Information

8. Compliance costs for affected persons:

Compliance costs for affected persons will not be expected because this rule change follows practices and requirements already in place at the federal and state level.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The proposed rule change adopts and formalizes current operating requirements and therefore the proposed rule amendment will not result in any additional costs to businesses.

B) Name and title of department head commenting on the fiscal impacts:

Thad LeVar, Commission Chair

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :
54-13-6

54-13-3

54-13-5

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by reference (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):49 CFR Part 199
Publisher:Government Printing Office
Date Issued:09/01/2017
Issue, or version:
ISBN Number:
ISSN Number:
Cost of Incorporated Reference:
Adds, updates, removes:Updates

Official Title of Materials Incorporated (from title page):49 CFR Part 190
Publisher:Government Printing Office
Date Issued:09/01/2017
Issue, or version:
ISBN Number:
ISSN Number:
Cost of Incorporated Reference:
Adds, updates, removes:Updates

Official Title of Materials Incorporated (from title page):49 CFR Part 191
Publisher:Government Printing Office
Date Issued:09/01/2017
Issue, or version:
ISBN Number:
ISSN Number:
Cost of Incorporated Reference:
Adds, updates, removes:Updates

Official Title of Materials Incorporated (from title page):49 CFR Part 192
Publisher:Government Printing Office
Date Issued:09/01/2017
Issue, or version:
ISBN Number:

ISSN Number:
Cost of Incorporated Reference:
Adds, updates, removes:Updates

Official Title of Materials Incorporated (from title page):49 CFR Part 198
Publisher:Government Printing Office
Date Issued:09/01/2017
Issue, or version:
ISBN Number:
ISSN Number:
Cost of Incorporated Reference:
Adds, updates, removes:Updates

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 01/02/2018

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 01/09/2018

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

- rules and procedures
- pipelines
- safety

File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title: Melanie Reif Legal Counsel Date (mm/dd/yyyy): 11/15/2017