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State of Utah

Department of Commerce Division of Public Utilities

FRANCINE GIANI CHRIS PARKER
Executive Director Director, Division of Public Utilities

Memorandum

To: Utah Public Service Commission

From: Utah Division of Public Utilities

Chris Parker, Director

Al Zadeh, Senior Pipeline Safety Engineer

Connie Hendricks, Office Specialist

Date: November 4, 2019

Re: Proposed Change to Public Service Commission Rule R746-409-1.B.1-5

Recommendation (Approval)

The Division of Public Utilities recommends the Commission adopt CFR Title 49 Part 193-Liquefied Natural Gas Facilities: Federal Safety Standards in Rule R746-409-1.B.1-5.

Discussion

Reason for change to rule:

In a Commission Order dated October 25, 2019 in Docket No. 19-057-13, the Commission approved DEU's voluntary request for pre-construction approval of its resource decision to construct a DEU-owned LNG facility.

CFR Title 49 Part 193 is the federal regulation concerning the siting, design, and construction requirements of LNG facilities. The additional subparts concern equipment, operations, maintenance, personnel qualification and training, fire protection, and security. DEU will be subject to these additional subparts once the LNG facility is completed.

The Division recommends the Commission revise Rule R746-409-1.B.1-5 as follows:

R746-409-1. General Provisions.

B. Adoption of parts of CFR Title 49 – The Commission adopts and incorporates by this reference the following parts of CFR Title 49, effective September 1, 2017:

1. Part 190 with the exclusion of Part 190.223 which is superseded by Title 54, Chapter 13, Part 8, Violation of chapter – Penalty;
2. Part 191;
3. Part 192;
4. [Part 193;]
5. Part 198; and
6. Part 199.

Federal guidelines for states participating in the Federal Pipeline Safety Grant program require that those states update their rules adopting federal regulations when those regulations apply to operators under state jurisdiction.

For more details refer to the following link:

<https://www.ecfr.gov/cgi-bin/text-idx?SID=266c72ec0348d3394468ff4dff2bd6e0&mc=true&node=pt49.3.193&rgn=div5>

Conclusion

The Commission approved DEU's voluntary request for pre-construction approval of its resource decision to construct the DEU-owned LNG facility in Docket No. 19-057-13.

Based on the discussion above, the Division recommends the Commission adopt CFR Title 49 Part 193 by reference in Rule R746-409-1.B.1-5.