

State of Utah
Administrative Rule Analysis
 Revised December 2019

NOTICE OF PROPOSED RULE		
TYPE OF RULE: New ___; Amendment <u>X</u> ; Repeal ___; Repeal and Reenact ___		
Title No. - Rule No. - Section No.		
Utah Admin. Code Ref (R no.):	R746-409-1	Filing No. (Office Use Only)
Changed to Admin. Code Ref. (R no.):	R	

Agency Information

1. Department:	Public Service Commission	
Agency:	Public Service Commission	
Room no.:		
Building:	Heber M. Wells Building	
Street address:	160 E 300 S, 4th Floor	
City, state:	Salt Lake City, Utah 84111	
Mailing address:	PO Box 4558	
City, state, zip:	Salt Lake City, Utah 84114-4558	
Contact person(s):		
Name:	Phone:	Email:
Michael Hammer	801-530-6729	michaelhammer@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
General Provisions
3. Purpose of the new rule or reason for the change (If this is a new rule, what is the purpose of the rule? If this is an amendment, repeal, or repeal and reenact, what is the reason for the filing?):
Consistent with the Utah Code and federal requirements, the Public Service Commission has a rule in place that incorporates by reference provisions of the Code of Federal Regulations pertaining to pipeline safety. Because the Public Service Commission recently approved the construction of a liquefied natural gas facility in Utah, this amendment incorporates an additional provision of the Code of Federal Regulations that pertains to liquefied natural gas facilities.
4. Summary of the new rule or change:
R746-409-1 is being amended to incorporate by reference CFR Title 49 Part 193, pertaining to liquefied natural gas facilities.

Fiscal Information

5. Aggregate anticipated cost or savings to:
A) State budget:
\$0. There are no anticipated costs or savings to the state budget associated with the amendment.
B) Local governments:
\$0. There are no anticipated costs or savings to local governments associated with the amendment.
C) Small businesses ("small business" means a business employing 1-49 persons):
\$0. There are no anticipated costs or savings to small businesses associated with the amendment.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

\$0. There are no anticipated costs or savings to non-small businesses associated with the amendment.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

\$0. Utah Code Ann. 54-13-3 and federal requirements pertaining to Utah's participation in the Federal Pipeline Safety Grant program require states to adopt certain federal pipeline safety regulations, as applicable, to entities under state jurisdiction. An entity that elects to construct a liquefied natural gas facility may incur costs to satisfy the federal safety standards but any such costs are a product of the election to construct such a facility and the state statutory and federal requirements to abide such standards, not this amendment.

F) Compliance costs for affected persons:

\$0. Utah Code Ann. 54-13-3 and federal requirements pertaining to Utah's participation in the Federal Pipeline Safety Grant program require states to adopt certain federal pipeline safety regulations, as applicable, to entities under state jurisdiction. An entity that elects to construct a liquefied natural gas facility may incur costs to satisfy the federal safety standards but any such costs are a product of the election to construct such a facility and the state statutory and federal requirements to abide such standards, not this amendment.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2020	FY2021	FY2022
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head approval of regulatory impact analysis:

PSC Chair Thad LeVar has reviewed and approved this fiscal analysis.

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

The amendment should not impact businesses. The only business the amendment directly affects is an entity that constructs or operates a liquefied natural gas facility. As mentioned, Utah Code Ann. 54-13-3 and federal requirements pertaining to Utah's participation in the Federal Pipeline Safety Grant program require states to adopt certain federal pipeline safety regulations, as applicable, to entities under state jurisdiction. An entity that elects to construct a liquefied natural gas facility may incur costs to satisfy the federal safety standards but any such costs are a product of the election to construct such a facility and the state statutory and federal requirements to abide such standards, not this amendment.

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

Thad LeVar, Chair

Citation Information

7. 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):

Utah Code Ann. Section 54-13-3		

Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	First Incorporation
Official Title of Materials Incorporated (from title page)	Code of Federal Regulations, Title 49
Publisher	Office of the Federal Register
Date Issued	2019
Issue, or version	2019

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	Second Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

9. 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 (mm/dd/yyyy):	01/31/2020	
B) A public hearing (optional) will be held:		
On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):

10. This rule change MAY become effective on (mm/dd/yyyy):	02/07/2020
NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 10, 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.	

Agency Authorization Information

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 head or designee, and title:	Thad LeVar, Chair	Date (mm/dd/yyyy):	12/13/2019
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R746. Public Service Commission, Administration.

R746-409. Pipeline Safety.

R746-409-1. General Provisions.

A. Scope and Applicability -- Pursuant to Title 54, Chapter 13, the following rules shall apply to persons engaged in the transportation of gas as defined in CFR Title 49 Parts 191 and 192.

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, 2019:

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;

45. Part 198; and

56. Part 199.

C. Persons engaged in the transportation of gas, including distribution of gas through a master-metered system, shall comply with the requirements of CFR Title 49, identified in Section R746-409-1.B, including all minimum safety standards.

KEY: rules and procedures, safety, pipelines

Date of Enactment or Last Substantive Amendment: 2020

Notice of Continuation: March 31, 2016

Authorizing, and Implemented or Interpreted Law: 54-13-3; 54-13-5