

State of Utah
Administrative Rule Analysis
 Revised November 2021

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 ID (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 and zip:	Salt Lake City, Utah 84111	
Mailing address:	PO Box 4558	
City, state and zip:	Salt Lake City, Utah 84114-4558	
Contact person(s):		
Name:	Phone:	Email:
Yvonne Hogle	801-530-6709	yhogle@utah.gov
Please address questions regarding information on this notice to the agency.		

General Information

2. Rule or section catchline:
R746-409-1. General Provisions.
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
Consistent with the Utah Code and federal requirements, Rule R746-409-1 of the Public Service Commission Administrative Procedures Act Rules incorporates by reference provisions of the Code of Federal Regulations pertaining to pipeline safety that were "effective September 1, 2019." However, the federal regulations have been amended since that date and this proposed amendment updates the reference to incorporate the changes that became effective September 1, 2021.
4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
Consistent with the Utah Code and federal requirements, Rule R746-409-1 of the Public Service Commission Administrative Procedures Act Rules incorporates by reference provisions of the Code of Federal Regulations pertaining to pipeline safety that were "effective September 1, 2019." However, the federal regulations have been amended since that date and this proposed amendment updates the reference to incorporate the changes that became effective September 1, 2021.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
\$0. The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule. It should not affect the state budget.
B) Local governments:
\$0. The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule. It should not affect local governments.
C) Small businesses ("small business" means a business employing 1-49 persons):

\$0. The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule. It should not affect small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

\$0. The amendment updates a current rule that already adopts federal safety regulations pertaining to pipeline safety to incorporate recent federal amendments in the state rule. It should not affect non-small businesses.

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. Businesses that perform work subject to the federal safety regulations may incur costs to comply under the existing rule, which is already incorporated by reference pursuant to Utah Code Ann. Section 54-13-3. However, the amendments to the rule since September 1, 2019 are not anticipated to add to such costs. Therefore, the amendment should have no fiscal impact.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

\$0. Businesses that perform work subject to the federal safety regulations may incur costs to comply under the existing rule, which is already incorporated by reference pursuant to Utah Code Ann. Section 54-13-3. However, the amendments to the rule since September 1, 2019 are not anticipated to add to such costs. Therefore, the amendment should have no fiscal impact.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

The amendment should not impact businesses. Businesses that perform work subject to the federal safety regulations may incur costs to comply under the existing rule, which is already incorporated by reference pursuant to Utah Code Ann. Section 54-13-3. However, the amendments to the rule since September 1, 2019 are not anticipated to add to such costs. Therefore, the amendment should have no fiscal impact.

6. A) 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	FY2022	FY2023	FY2024
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

B) Department head approval of regulatory impact analysis:

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

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

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; <i>if none, leave blank</i>):	
	First Incorporation
Official Title of Materials Incorporated (from title page)	Code of Federal Regulations, Title 49
Publisher	Office of the Federal Register
Date Issued	2021
Issue, or version	2021

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; <i>if none, leave blank</i>):	
	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. See Section 63G-3-302 and Rule R15-1 for more information.)		
A) Comments will be accepted until (mm/dd/yyyy):	07/15/2022	
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):	07/22/2022
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.	

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 <i>Utah State Bulletin</i> and delaying the first possible effective date.			
Agency head or designee, and title:	Thad LeVar, PSC Chair	Date (mm/dd/yyyy):	05/17/2022

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, 20~~19~~21:

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 198; and

5. 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: May 17, 2022

Notice of Continuation: March 31, 2016

Authorizing, and Implemented or Interpreted Law: 54-13-3; 54-13-5; 54-13-6