

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to Initiate Rulemaking to Amend
Rule 25-12.045, F.A.C., by Florida Natural
Gas Association

DOCKET NO. 120068-GU
ORDER NO. PSC-13-0052-NOR-GU
ISSUED: January 25, 2013

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

NOTICE OF RULEMAKING

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-12.045, Florida Administrative Code, relating to inactive gas service lines.

The attached Notice of Proposed Rule appeared in the January 25, 2013 edition of the Florida Administrative Register. If timely requested, a hearing will be held at a time and place to be announced in a future notice. Written requests for hearing and written comments on the rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than February 15, 2013.

By ORDER of the Florida Public Service Commission this 25th day of January, 2013.



ANN COLE
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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DOCUMENT NUMBER-DATE

00477 JAN 25 2013

FPSC-COMMISSION CLERK

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-12.045: Inactive Gas Service Lines

PURPOSE AND EFFECT: This rule is amended to update the actions that regulated local distribution companies are required to take regarding inactive gas service lines that have been used, but have become inactive without reuse.
Docket No. 120068-GU

SUMMARY: The rule is amended to specify the actions an operator must take for inactive gas service lines that have been used, but have become inactive without reuse; to specify the time frames for retirement and physical abandonment of inactive service lines; to require annual risk assessments for service lines that have been inactive for more than one year; to specify the content and 10 year record retention of such assessments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2), 368.03, 368.05(2) FS.

LAW IMPLEMENTED: 368.03, 368.05(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G. W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-12.045 Inactive Gas Service Lines.

(1) An operator shall take The following actions ~~shall be taken~~ for inactive gas service lines that have been used, but have become inactive without reuse:

(a) An operator shall take immediate action to protect persons and property if it determines that an inactive service line is an existing or probable hazard to persons or property, and shall retire and physically abandon said line within three months of that determination.

(b) If the operator determines that there is no prospect for reuse, the service line shall be retired and physically abandoned within three months of that determination.

(c) Annual risk assessments shall be made for all service lines that have been inactive for more than one year.

1. The annual risk assessments shall identify potential threats and shall rank risks using the operator's Distribution Integrity Management Plan developed pursuant to 49 C.F.R. 192, Subpart P (2011) which is incorporated by reference in Rule 25-12.005, F.A.C. The annual risk assessments shall include the following required elements of the operator's Distribution Integrity Management Plan in identifying threats: Presence of excess flow valves, incident and leak history, corrosion control records, continuing surveillance records, patrolling records, maintenance history, excavation damage experience, and any other data deemed relevant by the operator.

2. The annual risk assessments records shall be maintained by the operator for at least 10 years.

3. Inactive service lines that are identified in the annual risk assessments as potential threats with a high-risk ranking shall be retired and physically abandoned within six months after completion of the annual risk assessment.

(d) (b) After a service line has been inactive for a period of two years, if there is a prospect for reuse of the service line, the operator shall verify that the service line is permanently marked to identify the operator's name and phone number and shall take one of the following actions ~~shall be taken~~ within six months:

1. Disconnect the service line from all sources of gas and physically abandon or remove;

2. A valve on the service line shall be locked in the closed position and the service line plugged to prevent the flow of gas; or

3. No change.

(e) After a service line has been inactive for a period of five years, if the inactive service line is constructed of bare steel or cast iron or does not comply with current materials standards in 49 C.F.R. 192 (2011), the inactive service line shall be retired and physically abandoned within six months.

(f) (e) After ~~five~~ ten years of inactivity, service lines shall be retired and physically abandoned within six months.

(2) – (3) No change.

These records must be readily available to personnel assigned to pipeline locating activities.

Specific Authority 350.127(2), 368.03, 368.05(2) FS. Law Implemented 368.03, 368.05(2) FS. History—New 9-21-74, Repromulgated 10-7-75, Amended 10-2-84, Formerly 25-12.45, Amended 1-7-92, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Moses

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number 21, May 25, 2012