



Public Service Commission

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RECORDS AND REPORTING
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DATE: 1/6/00

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF APPEALS (MOORE) *CTM*
DIVISION OF ELECTRIC AND GAS (MILLS) *AM* *CRS* *JOJ*

RE: DOCKET NO. 991754-GP - PETITION BY FRIENDS OF THE AQUIFER, INC. TO ADOPT RULES NECESSARY TO ESTABLISH SAFETY STANDARDS AND A SAFETY REGULATORY PROGRAM FOR INTRASTATE AND INTERSTATE NATURAL GAS PIPELINES AND PIPELINE FACILITIES LOCATED IN FLORIDA.

AGENDA: 1/18/00 - REGULAR AGENDA - RULE PETITION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\APP\WP\991754.RCM

CASE BACKGROUND

Friends of the Aquifer, Inc., filed a petition to initiate rulemaking on November 23, 1999. The petitioner proposes that the Commission adopt rules regulating the safety of intrastate and interstate natural gas pipelines and hazardous liquid pipelines. Pursuant to section 120.54(7), F.S., the Commission has 30 calendar days following the date of filing to initiate rulemaking proceedings, otherwise comply with the requested action, or deny the petition with a written statement of its reasons for the denial.

A petition to intervene was filed on December 20, 1999, by Buccaneer Gas Pipeline Co., L.L.C. ("Buccaneer"). At the agenda conference on December 21, 1999, Friends of the Aquifer agreed to waive the 30-day time for the Commission to act on its petition in order for Friends of the Aquifer to respond to the petition to

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intervene. The Commission deferred further consideration of the rulemaking petition until the January 18, 2000, agenda conference. No response to Buccaneer's petition to intervene was filed within the time authorized and an order granting the intervention was issued on January 4, 2000.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant the petition by Friends of the Aquifer, Inc., to initiate rulemaking to adopt rules governing the safety of intrastate and interstate natural gas pipelines and pipeline facilities?

RECOMMENDATION: No, the Commission should deny the petition. To the extent that the Commission has jurisdiction and the authority to adopt rules governing the safety of gas pipelines, it has done so.

STAFF ANALYSIS: The petitioner requests the Commission to adopt two rules. The first rule provides:

The Florida Public Service Commission accepts the delegation by the United States Department of Transportation, pursuant to 49 U.S.C.A. § 60105, to regulate Florida natural gas pipelines and pipeline facilities. The Commission will proceed to propose rules necessary to ensure the safe construction and operation of Florida natural gas pipelines and pipeline facilities.

(Petition at 4) The premise for this proposal is the petitioner's assertion that there is currently no natural gas safety program in existence as required by sections 368.03 and 368.05, F.S. It is apparent that the Petitioner overlooked Chapter 25-12, Florida Administrative Code, titled "Safety of Gas Transportation by Pipeline", in preparing its petition. These rules implement sections 368.03 and 368.05, F.S. The Commission employs six full-time gas safety engineers to enforce the rules.

It is also unnecessary to adopt a rule accepting delegation from the United States Department of Transportation (USDOT). Rule 25-12.005 adopts the minimum federal safety standards and reporting requirements prescribed by the USDOT. In addition, contrary to the

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PUBLIC SERVICE COMMISSION

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FLORIDA PUBLIC SERVICE COMM.
DIVISION OF APPEALS

FRIENDS OF THE AQUIFER, INC.,)
)
Petitioner.)
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No. 991754-7P

PETITION TO INITIATE RULEMAKING

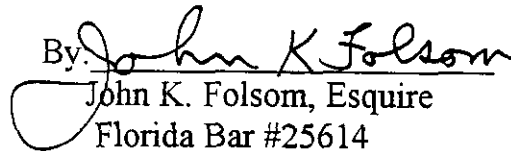
COMES NOW the Petitioner, Friends of the Aquifer, Inc., and, pursuant to Fla. Stat. Ann § 120.54(7), petitions the Florida Public Service Commission ("PSC") to adopt the rules necessary to establish safety standards and a safety regulatory program for intrastate and interstate natural gas pipelines and pipeline facilities located within the State of Florida. In order to establish such safety standards and safety regulatory program, the Petitioner requests that the PSC adopt the rules necessary to accept delegation from the United States Department of Transportation, Office of Pipeline Safety, to implement the Federal Natural Gas Pipeline Safety Act and Hazardous Liquid Pipeline Act, 49 U.S.C. § 60101 et seq. ("the Act"). Currently, there are insufficient safety standards and safety regulatory programs with respect to intrastate and interstate natural gas pipelines and pipeline facilities located within the State of Florida to ensure the health and welfare of the citizens of Florida and to protect the environment of this state.

1. The Petitioner, a public-interest corporation consisting of concerned Florida citizens, has a substantial interest in the adoption of the proposed rules set forth herein. In the absence of the requested rules, the health and safety of the citizens of Florida, as well as

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Friends of the Aquifer, Inc.

By:

Handwritten signature of John K. Folsom in cursive script, written over a horizontal line.

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