

State of Florida



# Public Service Commission

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**-M-E-M-O-R-A-N-D-U-M-**

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COMMISSION  
CLERK

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**DATE:** February 26, 2013  
**TO:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**FROM:** Kathryn Gale Winter Cowden *KW* Senior Attorney, Office of the General Counsel  
**RE:** Docket No. 120068-GU

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Please enter the enclosed document into Docket No. 120068-GU.

Thank you.

DOCUMENT NUMBER-DATE

01021 FEB 26 2013

FPSC-COMMISSION CLERK

COMMISSIONERS:  
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STATE OF FLORIDA



GENERAL COUNSEL  
S. CURTIS KISER  
(850) 413-6199

Public Service Commission

February 26, 2013

Ms. Liz Cloud  
Florida Department of State  
Administrative Code and Weekly Section  
R. A. Gray Bldg., Suite 101  
Tallahassee, FL 32399-0250

Via Hand-Delivery

**Re: Rule Certification Packet for Rule 25-12.045, Florida Administrative Code.  
PSC Docket No. 120068-GU**

Dear Ms. Cloud:

Enclosed for filing is a complete rule certification packet for Rule 25-12.045, Florida Administrative Code (F.A.C.), consisting of:

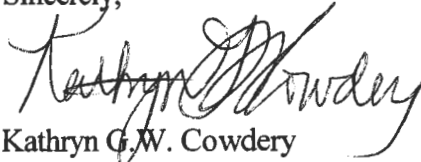
- (1) One compact disc containing the coded text of the rule;
- (2) There were no materials incorporated by reference into this rule;
- (3) One original and two copies of the signed rule certification form;
- (4) One original and two copies of the coded text of the rule, including the legal citations and history notes;
- (5) One original and two copies of the summary of the rule;
- (6) One original and two copies of the detailed written statement of the facts and circumstances justifying the rule; and
- (7) One original and two copies of the summary of the hearings held on the rule.

2013 FEB 26 PM 12:01  
TALLAHASSEE, FLORIDA

Liz Cloud  
February 26, 2013  
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Please let me know if you have any questions. The contact name and information for these rules are Kathryn G.W. Cowdery, Florida Public Service Commission, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, 413-6216, [kcowdery@psc.fl.state.us](mailto:kcowdery@psc.fl.state.us).

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathryn G.W. Cowdery".

Kathryn G.W. Cowdery  
Senior Attorney

Enclosures

CERTIFICATION OF FLORIDA PUBLIC SERVICE COMMISSION  
ADMINISTRATIVE RULES FILED WITH THE DEPARTMENT OF STATE

I hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under Section 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of Section 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by Section 120.54(3)(a), F.S.; and

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

(g) Are filed not more than 90 days after the notice, not including days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the Small Business Regulatory Advisory Committee.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule Nos.

25-12.045

Under the provision of Section 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: \_\_\_\_\_  
(month) (day) (year)

  
\_\_\_\_\_  
ANN COLE

Commission Clerk  
Title \_\_\_\_\_

  
\_\_\_\_\_  
Number of Pages Certified

**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. Remove the meter and plug the end of the service line to prevent the flow of gas.

(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) To physically abandon a service line, the operator must disconnect the service line from all sources of gas at the nearest point to the gas main. Where the appropriate governmental authority prohibits cutting pavement, the service line shall be disconnected at the nearest point not under a paved surface. The stub of the service line, the short section of the remaining service line to the main, shall be disconnected closer to the main or at the main, if at some later date it becomes accessible during normal operations.

(3) Records must be kept of the size, material, and location of all remaining service line stubs. 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, \_\_\_\_\_.*

#### SUMMARY OF THE RULE

Rule 25-12.045 specifies the actions an operator must take for inactive gas service lines that have been used, but have become inactive without reuse; specifies the time frames for retirement and physical abandonment of inactive service lines; requires annual risk assessments for service lines that have been inactive for more than one year; specifies the content and ten year record retention of such assessments.

#### WRITTEN STATEMENT OF THE FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

The Florida Natural Gas Association (FNGA) initiated this rulemaking by petition to amend Rule 25-12.045, F.A.C. FNGA stated that certain requirements of this rule had proven to be a significant economic and competitive barrier to restoring gas service to service lines which had become inactive, while providing no cognizable safety protection beyond that already provided by federal regulations. Rule 25-12.045, F.A.C., 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. The rule updates provisions related to protection of the public safety by identifying the appropriate time frames for retiring and physically abandoning inactive gas service lines and by requiring annual risk assessments for all service lines that have been inactive for more than one year.

#### SUMMARY OF ANY HEARINGS HELD ON THE RULE

No timely request for a hearing was received by the agency, and no hearing was held.