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BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 20220182-GU

Proposed amendment of Rule  
25-128.005, F.A.C., Codes  
and Standards Adopted.

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PROCEEDINGS: COMMISSION CONFERENCE AGENDA  
ITEM NO. 1

COMMISSIONERS  
PARTICIPATING: CHAIRMAN ANDREW GILES FAY  
COMMISSIONER ART GRAHAM  
COMMISSIONER GARY F. CLARK  
COMMISSIONER MIKE LA ROSA  
COMMISSIONER GABRIELLA PASSIDOMO

DATE: Tuesday, January 10, 2023

PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY: DEBRA R. KRICK  
Court Reporter and  
Notary Public in and for  
the State of Florida at Large

PREMIER REPORTING  
112 W. 5TH AVENUE  
TALLAHASSEE, FLORIDA  
(850) 894-0828

## 1 P R O C E E D I N G S

2 CHAIRMAN FAY: All right. Commissioners, next  
3 we will move to Item No. 1. I think we are  
4 actually already set up and ready to go. So, Mr.  
5 Rubottom, whenever you are ready to present the  
6 summary on Item No. 1.

7 MR. RUBOTTOM: Good morning, Commissioners.  
8 Jon Rubottom with Commissioner legal staff.

9 In Item 1, staff is recommending the amendment  
10 of a Commission rule that implements federal safety  
11 standards and reporting requirements for pipeline  
12 facilities and transportation of natural gas as  
13 prescribed by the Pipeline and Hazardous Materials  
14 Safety Administration, or PHMSA, and in accordance  
15 with the Commission's annual certification  
16 agreement with PHMSA. The recommended amendments  
17 incorporate by reference the updated October 1st,  
18 2021, version of the federal standards.

19 Staff is available for questions.

20 CHAIRMAN FAY: Okay. Great. Thank you, Mr.  
21 Rubottom.

22 Commissioners, I have got a few questions on  
23 this, and then I will open it up to you if you have  
24 any comments or questions.

25 So, Mr. Rubottom, I had previously asked about

1           this process that historically we've done kind of,  
2           not necessarily consistently or annually. Is there  
3           a reason that these changes, based on the 2021  
4           changes, are coming forward now and previously  
5           wasn't, I think, until 2018 that we didn't address  
6           these?

7           MR. RUBOTTOM: Could you rephrase that  
8           question?

9           CHAIRMAN FAY: Yeah. So essentially, is there  
10          -- going forward, would we look at these annually,  
11          or would we continue to kind of wait until the feds  
12          made significant changes in the CFR, and then they  
13          get brought forward to the Commission?

14          MR. RUBOTTOM: Yes, Mr. Chairman. Our goal is  
15          going to be address it a little more frequently.  
16          We do have the annual certification agreement with  
17          PHMSA, in which we certify that we are  
18          incorporating and we are enforcing updated  
19          standards, but we have to wait until the updated  
20          standards are published, which there is a bit of a  
21          lag there.

22          So historically, we've done it every three to  
23          four years. That's the recent -- recent history on  
24          it. But would like do it a little more frequently  
25          to make sure that we are as on top of it as we can

1 be for PHMSA purposes.

2 CHAIRMAN FAY: Okay. Great. And I think that  
3 will probably help for consistency purposes just if  
4 the Commission saw it either annually or biannually  
5 to make those changes.

6 And then just for transparency purposes, I --  
7 when you read through the CFR, and all the changes  
8 made since that 2018 process, a lot of it is very  
9 technical and engineer specific, industry specific.  
10 Is there -- is there a good way to sort of digest  
11 what those changes mean for gas pipelines in our  
12 state, or what that might mean for regulation  
13 purposes?

14 MR. RUBOTTOM: I think, on that, I will defer  
15 to technical staff about the changes in the CFR.

16 CHAIRMAN FAY: Okay.

17 MR. KISSEL: Good morning, everybody. My name  
18 is Brad Kissel. I'm a gas safety inspector out of  
19 the Tampa office.

20 And the changes kind of fall into three  
21 buckets here. While they are technical, there were  
22 some changes that were administrative in nature,  
23 some relaxing of some of the prior regulations.  
24 They've also, through this, PHMSA has raised their  
25 reporting threshold of what needs to be damage-wise

1 reported up to them should an incident or accident  
2 occur. The old value was 50,000. It is now  
3 122,000.

4 And there has just been some release --  
5 relief, overall, for some of the general  
6 administrative other considerations, like alcohol  
7 drug testing, and some training stuff.

8 The technical portion really breaks down into  
9 two different buckets. The first being, we'll call  
10 it, like a plastics type situation, where a lot of  
11 the operators and operator staff have requested a  
12 use of a new material which was approved, as well  
13 as some calibration and techniques that were  
14 employed to allow connection for the plastic pipe  
15 out in the field.

16 They also would like, and requested as part of  
17 this, some methods of marking the pipes so that,  
18 you know, 50 years in the future, when that pipe is  
19 dug up, it can be positively identified and traced  
20 in terms of material properties.

21 And then the third constitutes just general  
22 steel piping changes. And those were based on  
23 safety concerns, mainly transmission steel  
24 pipelines. And a lot of that was -- was due to a  
25 past incident, San Bernardino, California, that

1           there was a large incident.

2           So just, again, changes and improvements made  
3           at looking at the system at the way it's put  
4           together, at the safety techniques, and, you know,  
5           just ensuring a more safe system.

6           CHAIRMAN FAY: Okay. Great. Yeah. And you  
7           hit on the last part. So based on those changes,  
8           you feel comfortable -- I mean -- I mean, we are  
9           required to adopt those minimum standards from  
10          PHMSA anyway in our process, and so there is not  
11          really a choice as to how we do that. But you  
12          still feel like adopting those, safety is still a  
13          top priority, and that the changes arguably are  
14          beneficial to make sure we are even more safe?

15          MR. KISER: Yes, Mr. Chairman.

16          CHAIRMAN FAY: Okay. Great.

17          That's all I had, Commissioners. If you had  
18          any questions -- any of my colleagues had any  
19          questions.

20          With that, I will entertain a motion on Item  
21          No. 1.

22          COMMISSIONER CLARK: Move staff recommendation  
23          on Item No. 1, Mr. Chairman.

24          COMMISSIONER GRAHAM: Second.

25          CHAIRMAN FAY: Okay. We have a motion and a

1 second to move staff recommendation on Item 1.

2 All that support say aye.

3 (Chorus of ayes.)

4 CHAIRMAN FAY: Showing none opposed, Item 1  
5 passes unanimously.

6 Thank you, Mr. Rubottom.

7 (Agenda item concluded.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA     )  
COUNTY OF LEON     )

I, DEBRA KRICK, Court Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 18th day of January, 2023.



DEBRA R. KRICK  
NOTARY PUBLIC  
COMMISSION #HH31926  
EXPIRES AUGUST 13, 2024