

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 30th day of March, 2022.

In the Matter of the Application of the Missouri Association of Natural Gas Operators, Inc. for a Permanent Waiver From the Provisions of 20 CSR 4240-40.020(2)(D)1B for Estimated Property Damage Threshold for a Federal Incident, and 20 CSR 4240-40.020(7)(B) Distribution System Mechanical Fitting Failure Reports)
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File No. GE-2022-0214

AMENDED ORDER GRANTING TEMPORARY WAIVER

Issue Date: March 30, 2022

Effective Date: April 9, 2022

On February 7, 2022, Missouri Association of Natural Gas Operators, Inc. (MANGO) filed a request for a permanent waiver for some of its members from provisions of Commission Rule 20 CSR 4240-40.020(2)(D)1B and Commission Rule 20 CSR 4240-40.020(7)(B). Commission Rule 20 CSR 4240-40.020(2)(D)1B defines the property damage amount for federal incident reporting as \$50,000. Commission Rule 20 CSR 4240-40.020(7)(B) sets the requirement for annual distribution system Mechanical Fitting Failure reports. These Commission rules were designed to mirror the federal gas safety reporting rules.

In support of its request, MANGO states that the corresponding federal regulations were amended effective March 12, 2021. The federal regulation's reporting threshold for property damage is now \$122,000, and the federal requirement for annual reports on Mechanical Fitting Failures was entirely removed from the federal regulations. Therefore, the Commission's rules no longer reflect the federal regulations.

The Commission issued an order directing the parties to file a pleading on whether this issue would be better addressed in a Commission rulemaking. The Commission's Staff (Staff) responded that the Commission recently amended the same Commission Rule at issue in MANGO's application, 20 CSR 4240-40.020, to adopt previous Federal Rule changes, and Staff is in the process of considering the federal rule amendments cited in MANGO's application. Staff recommends that the Commission grant the waivers on a temporary basis until the Commission's rules adopt the current federal rule changes. MANGO filed a response stating that it still wished to pursue a waiver, but that the waiver need not be permanent.

On March 9, 2022, the Commission issued its order granting a temporary waiver of the requested rules for the MANGO members included in the February 22, 2022, supplement to MANGO's application. On March 14, 2022, MANGO filed a motion for reconsideration stating that the request for relief was for all MANGO members, and not just those primarily interested. MANGO amended its reconsideration request on March 17, 2022, to amend its list of membership. Staff also filed a request for clarification on March 17, 2022, recommending that the Commission make it clear that for the duration of any waiver MANGO members should be ordered to comply with the current definition of reportable incident contained in 49 CFR § 191.3.

The Commission is amending its order to include all of MANGO's members and address Staff's concern.

The Commission has authority to grant a temporary waiver for good cause shown.¹ Good cause exists to grant MANGO's members a temporary waiver so that its members

¹ Commission Rule 20 CSR 4240-2.205,

are not required to file reports with the Commission when the federal regulations, upon which these Commission rules are based, do not require them. The waiver will not leave a void in gas safety reporting for property damage because the federal regulation requires reporting at \$122,000. Based on the application, the responses of Staff and MANGO, and its own finding of good cause to do so, the Commission will grant a one year waiver of Commission Rule 20 CSR 4240-40.020(2)(D)1B and Commission Rule 20 CSR 4240-40.020(7)(B). If additional time beyond one year is necessary, MANGO's membership may apply for an extension of the waiver no less than 60 days prior to the expiration of this waiver.

So that this waiver can go into effect as soon as possible to avoid imposing an undue burden on the members of MANGO, the Commission finds it reasonable to make this order effective in less than thirty days.

THE COMMISSION ORDERS THAT:

1. The members of MANGO contained in Appendix A to its March 17, 2022, Amendment to Motion for Reconsideration, attached and incorporated herein are granted a one year waiver of Commission Rule 20 CSR 4240-40.020(2)(D)1B and Commission Rule 20 CSR 4240-40.020(7)(B).

2. Throughout the duration of this waiver MANGO's members are ordered to comply with the current federal definition of reportable incident contained in 49 CFR § 191.3.

3. This order shall become effective on April 9, 2022.



BY THE COMMISSION

Morris L. Woodruff

Morris L. Woodruff
Secretary

Silvey, Chm., Rupp, Coleman, Holsman, and
Kolkmeier CC., concur.

Clark, Senior Regulatory Law Judge

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 30th day of March, 2022.





Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

March 30, 2022

File/Case No. GE-2022-0214

**Missouri Public Service
Commission**

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Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.