

BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

BASIN FROZEN FOODS, INC.

Respondent

DOCKET NOS. UG-020230
UG 020232

COMPLAINT

1 The Washington Utilities and Transportation Commission (Commission), on its own motion, and through its Staff, alleges as follows:

I. PARTIES

2 The Commission is an agency of the State of Washington, having jurisdiction under Chapter 80.28.210 RCW to regulate companies who have as a principal purpose the construction, maintenance, and operation for transporting natural gas in this state, even though such person or corporation may not be a public service company under Chapter 80.28 RCW. In addition, the Office of Pipeline Safety, U.S. Department of Transportation, has accepted the Commission's certification to participate in the federal pipeline safety program. Through this program, the Commission is responsible for inspection and compliance of intrastate natural gas pipelines in the state of Washington according to federal regulation contained in 49 CFR Parts 191, 192, and 199.

3 Respondent Basin Frozen Foods, Inc. ("Basin" or "Respondent") is an owner and operator of a natural gas transmission intrastate pipeline subject to regulation by the Commission pursuant to RCW 80.28.210.

II. JURISDICTION

4 The Commission has jurisdiction over this matter pursuant to chapter 34.05 RCW, RCW 80.04.070, RCW 80.04.110, RCW 80.04.380, RCW 80.28.210, RCW 80.28.212, chapter 480-09 WAC, WAC 480-93-002, and WAC 480-93-010.

III. FACTUAL ALLEGATIONS

- 5 On April 15 through April 17, 2002, Commission staff conducted a pipeline safety inspection of a six-inch natural gas transmission pipeline system in Warden, Washington owned and operated by Basin. The standard intrastate natural gas transmission pipeline inspection and anti-drug and alcohol misuse inspection of Basin was to review the operations and maintenance (O&M) manual, the records, the facilities, and to conduct field tests to verify compliance with federal and state pipeline safety regulations.
- 6 As a result of the 2002 standard natural gas intrastate transmission inspection at Basin, Staff alleges that Basin has committed 26 violations of federal and state pipeline safety regulation. Of the 26 violations, eleven were repeat violations from inspections conducted in 2001.
- 7 The 26 violations cited in the April 2002 inspection were related to non-performance by Basin in five general areas:
- a. Not establishing an adequate emergency plan;
 - b. Not establishing the basis for and then maintaining safe pipeline operating pressures;
 - c. Not maintaining a qualified anti-drug and alcohol misuse program;
 - d. Not establishing and maintaining a third-party damage prevention plan; and
 - e. Not having a qualified individual to oversee all aspects of Basin's natural gas transportation operations.
- 8 The 26 violations cited in the April 2002 inspection were for non-compliance with the Code of Federal Regulations (CFR) Title 49, Parts 191, 192, and 199 and Chapter 480-93 Washington Administrative Code (WAC).

IV. CLAIM FOR RELIEF

- 9 The Commission realleges paragraphs 2-8.
- 10 RCW 80.28.212 states that any gas company that violates any regulation issued under authority of RCW 80.28.210 shall be subject to a civil penalty to be directly assessed by the Commission. Staff recommends the imposition of penalties totaling \$111,000.
- 11 The Commission may issue penalties to any gas company, which violates any public safety provision of RCW 80.28.210 or regulation issued there under. Gas companies violating provisions of Chapter 480-93 WAC are subject to a civil penalty not to exceed twenty-five thousand dollars for each violation for each day that the violation persists. The maximum civil penalty under this subsection for a related series of violations is five hundred thousand dollars.

12 The Commission may compromise any civil penalty pursuant to RCW 80.28.210.

13 The Commission directs that a prehearing conference be scheduled.

V. COMPLAINT

14 The Commission finds that probable cause exists to complain against the Respondent as follows:

15 Respondent has failed to comply with WAC 480-93-010, which adopts and incorporates the federal pipeline safety regulations found in Title 49 CFR Part 192 and RCW 80.28.212 and Order under Docket UG-010499 and UG-011593 of the Commission as set forth in the allegations above.

DATED at Olympia, Washington, and effective this day the 28th of August 2002.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARILYN SHOWALTER, Chairwoman

RICHARD HEMSTAD, Commissioner

PATRICK J. OSHIE, Commissioner