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November 7, 2003

VIA ELECTRONIC MAIL

Carole J. Washburn, Executive Secretary
Washington Utilities and Transportation Commission
1300 S Evergreen Park Drive SW
PO Box 47250
Olympia, WA 98504-7250

Re: NWIGU Comments in Docket No. UG-011073
(Gas Companies-Safety Rulemaking, Chapter 480-93 WAC)

Dear Ms. Washburn:

In response to the Washington Utilities and Transportation Commission's ("WUTC's" or "Commission's") October 9, 2003 Notice of Opportunity to File Written Comments in the above referenced docket, the Northwest Industrial Gas Users ("NWIGU") submit the following comments.

1. NWIGU appreciates the opportunity to respond to Staff's posted draft of rule revisions dated October 9, 2003, but given the magnitude of the proposed revisions, their interrelationships with federal safety regulation, and the fairly brief comment opportunity, it is difficult to identify all potential issues at this time. Accordingly NWIGU respectfully reserves the right to make additional comments in this proceeding

as may be appropriate at the workshop(s) and in further comments. NWIGU would also appreciate the opportunity to respond to the views expressed by other parties as these proposals develop further.

2. NWIGU supports the Staff's clarification of the scope of the proposed rules in the definitions (WAC 480-93-005) with the use of the singular term "operator" when read in conjunction with the new "Application of Rules" section in WAC 480-93-007. To avoid ambiguity, however, NWIGU recommends the following revisions.

a. In 480-93-005 (18) (a) (iii), (operator definition), add the following parenthetical to the last sentence of section iii, "except as otherwise excluded by WAC 480-93-007."

b. In WAC 480-93-007 (2), strike the last sentence "Customer-owned transmission facilities are subject to the rules in this chapter." This sentence is presumably intended to clarify that operators of gas piping that connects directly to an interstate pipeline are within the WUTC's safety jurisdiction. The sentence is unnecessary as such operators are clearly within the current rules, these draft rules, and the Commission's jurisdiction. This additional sentence may instead create some new ambiguity as "transmission facilities" are not a specific defined term.

3. In WAC 480-93-200, NWIGU is concerned with the costs and need for reporting requirements so that the two are balanced. Is it the intention in section 1, subsection (1) on "unscheduled interruptions" to include a reporting requirement for interruptions to

tariffed interruptible service? Certainly a utility should have appropriate records reflecting that its interruption of customers within its tariffs has been lawful, but this provision would seem to add a 2 hour notice requirement that doesn't seem necessary. If a direct connect customer interrupts itself, it also shouldn't be a reportable event (and could be read to be included here). The previous requirements of WAC 480-93-210 may be useful to incorporate here.

4. NWIGU is similarly concerned with the requirement of daily reports added in section 8 for WAC 480-93-200 as being overly burdensome and costly for all concerned. It appears that these daily reports apply to all construction and repair activities of any nature whatsoever. We would appreciate some clarification from the Staff to better understand the proposed rule at the workshop(s). It would seem more appropriate for daily reports to occur on some category of higher concern repairs.

5. As has been noted in all of our previous comments, NWIGU remains concerned with the proposed deletion of WAC 480-93-220, "Rule of Precedence." When there is a conflict, the hierarchy established in this section is lawful. It would be helpful at the workshop, or before, if the staff were to detail those specific areas in which a distinct state standard is contemplated.

6. NWIGU would also like to confirm its previous verbal request formally that a separate workshop for discussion of master meter proposals will be convened at a later

date to be determined by Staff, and that the agenda for December 9 will be confined to the draft rules of October 9.

If you have any questions about these comments, please call Ed Finklea or myself at 503-721-9118 or call NWIGU's executive director, Paula Pyron at 503-636-2580. We would appreciate receiving electronic copies of all parties' comments.

Very truly yours,

/s/ Chad Stokes
Edward Finklea
Chad Stokes

Counsel for the Northwest Industrial Gas Users