

[Service Date July 17, 2012]

July 17, 2012

**NOTICE OF OPPORTUNITY TO FILE WRITTEN COMMENTS
(By Friday, August 17, 2012)**

RE: Rulemaking to Consider Damage Reporting Requirements for Hazardous Liquids Pipeline Companies in WAC 480-75, Docket PL-120350

TO ALL INTERESTED PERSONS:

On March 21, 2012, the Washington Utilities and Transportation Commission (Commission) filed with the Code Reviser a Preproposal Statement of Inquiry (CR-101) to consider establishing requirements for hazardous liquid pipeline operators to report data and documentation to the Commission of damage to pipeline facilities in violation of Chapter 19.122 RCW. The Commission filed the CR-101 under Docket PL-120350.

The Commission received written comments on its CR-101 on May 25, 2012. In addition, Commission staff held a workshop with interested stakeholders on May 10, 2012. As a result of the written comments and the stakeholder workshop, Commission staff has developed a draft rule for review and comment by interested persons. The draft rule is available for inspection on the Commission's website at www.utc.wa.gov/120350. If you are unable to access the Commission's web page and would like a copy of the draft rule mailed to you, please contact the Commission's Records Center at (360) 664-1234.

The Commission invites comments on the draft rules and answers to the following questions:

1. At the May workshop staff and company representatives discussed giving the pipeline companies the option of using the DIRT reporting system to report the name and contact information of excavators that damage their facilities without first obtaining a facilities locate. What concerns do you have about using the DIRT report system, which was designed to use to report damage information anonymously, in this manner?

2. If you have concerns about providing specific documentation of violations of RCW 19.122 via the DIRT system, how would you prefer to report this information?
3. Staff's proposal for the information a company must report and retain when a facility is damaged without the excavator first obtaining a locate information appears in the draft at WAC 480-93-200(7)(b). Please comment on this proposal. Also what new costs would this impose on your company?
4. Also at the May workshop, pipeline company representatives had questions about whether it was staff's expectation that companies patrol their rights of way to identify excavators digging within 35 feet of a transmission pipeline without a locate and to identify people who might damage or remove pipeline marks. Staff responded that we were looking for companies to report these events to the extent they are aware of these. Please see the proposed language in WAC 480-75-630(6). What additional clarification would operators like to see included in the draft rule?

WRITTEN COMMENTS

Written comments on the draft rule and answers to the above questions must be filed with the Commission by 5:00 pm, **Friday, August 17, 2012**. The Commission requests that comments be provided in Adobe Acrobat format ".pdf" or in Word 97 or later ".doc" electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate responses from the comments. Electronic comments may be submitted via the Commission's Web portal (www.utc.wa.gov/e-filing) or by electronic mail to the Commission's Records Center at records@utc.wa.gov. Please include:

- The docket number of this proceeding (PL-120350).
- The commenting party's name.
- The title and date of the comment or comments.

An alternative method for submitting comments may be by mailing/delivering an electronic copy to the Commission's Records Center on a 3 ½ inch, IBM-formatted, high-density disk in .pdf Adobe Acrobat format or in .doc Word 97 or later format. Please include all of the information requested above. The Commission will post on its web site all comments that are provided in electronic format. The web site is located at the following URL address: www.utc.wa.gov/120350.

If you are unable to file your comments electronically or to submit them on a disk, the Commission will accept a paper document. Questions may be addressed to David Lykken at (360) 664-1219 or by e-mail at dlykken@utc.wa.gov.

OPPORTUNITY TO PARTICIPATE IN THE FUTURE

The Commission will post information about the schedule and other aspects of the rulemaking, including comments, on its website as it becomes available. If you wish to receive further information on this rulemaking you may:

- 1) Call the Commission's Records Center at (360) 664-1234.
- 2) E-mail the Commission at <records@utc.wa.gov>.
- 3) Mail written comments to the address below.

When contacting the Commission, please refer to Docket PL-120350 to ensure that you are placed on the appropriate service list.

The Commission's mailing address is:
Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 South Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, Washington 98504-7250

Sincerely,

DAVID W. DANNER
Executive Director and Secretary