



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Washington Utilities and Transportation Commission

Subject of possible rule making: The Washington Utilities and Transportation Commission (Commission) initiates this rulemaking to consider changes to WAC 480-93-223, a rule relating to "Gas Companies – Safety". Specifically the rule setting the maximum civil penalties for violations of the gas pipeline safety laws and regulations could increase the maximum civil penalty from \$100,000 to \$200,000 per violation, and the maximum penalty for a related series of violations from \$1,000,000 to \$2,000,000. These changes would reflect amendments to federal rules by the Pipeline and Hazardous Material Safety Administration (PHMSA), 49 C.F.R. 190.223 effective October 25, 2013, that increased maximum administrative civil penalties in conformance with the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Pub. L. 112-90). This rulemaking has been assigned Docket PG-140105.

Statutes authorizing the agency to adopt rules on this subject: RCW 80.01.040(4), RCW 80.04.160, and RCW 81.88.040

Reasons why rules on this subject may be needed and what they might accomplish: The rules of the State agency must provide for the enforcement of pipeline safety standards by injunctive and monetary sanctions that are at a minimum, as stringent as those set out at the federal level under the Code of Federal Regulations. State agency participation in the federal pipeline safety program requires the agency to adopt each federal safety standard applicable to intrastate pipelines under its jurisdiction.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

None

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The Commission will ask for initial comments, and will provide the opportunity to provide additional comments.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Interested persons may file comments with the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W., Olympia, Washington, 98504-7250; telephone (360) 664-1174; by facsimile (360) 586-1150, e-mail at records@utc.wa.gov, or through the UTC Web portal <http://www.utc.wa.gov/e-filing> by **5:00 p.m., Monday March 24, 2014**. For specific information regarding opportunities for written comments and to ensure receipt of further information concerning this rulemaking, please see the attachment to this form.

DATE
February 19, 2014

NAME (TYPE OR PRINT)
Steven V. King

SIGNATURE

TITLE
Executive Director and Secretary

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 19, 2014
TIME: 8:38 AM

WSR 14-05-090

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
CR-101 - ATTACHMENT
DOCKET PG-140105

Interested persons may contact the Executive Director and Secretary, Washington Utilities and Transportation Commission, P. O. Box 47250, Olympia, Washington, 98504-7250, 360-664-1174 (Fax: 360-586-1150).

WRITTEN COMMENTS

Written comments on the proposal to consider increases in the maximum penalties for violations of gas pipeline safety laws and regulations for intrastate pipeline operators may be submitted to the Commission at the address given above and should be filed with the Commission no later than **5:00 p.m., Monday, March 24, 2014.**

Electronic copies. The Commission requests that comments be provided in electronic format to enhance public access, for ease of providing comments, to reduce the need for paper copies, and to facilitate quotations from the comments. Comments may be submitted via the Commission's Web portal at 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 (PG-140105)
- 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 on a flash drive, compact disk, or 3 ½ inch, IBM-formatted, high-density disk, in .pdf Adobe Acrobat format or in Word 97 or later. Include all of the information requested above. The Commission will post on the Commission's web site all comments that are provided in electronic format. The web site is located at <http://www.utc.wa.gov/140105>. If you are unable to file your comments electronically or to submit them on a disk, the Commission will always accept a paper document.

Opportunity for further comment is anticipated. Information about the schedule and other aspects of the rulemaking, including comments, will be posted on the Commission's web site 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>](mailto:records@utc.wa.gov), or (3) mail written comments to the address above to the attention of Steven V. King, Executive Director and Secretary. When contacting the Commission, please refer to Docket PG-140105 to ensure that you are placed on the appropriate service list. Questions may be addressed to Anthony Dorrough (360) 664-1318 or e-mail at adorroug@utc.wa.gov, or Joe Subsits (360) 664-1322 or e-mail at jsubsits@utc.wa.gov.

NOTICE

TO CONTINUE RECEIVING NOTICES AND INFORMATION ABOUT THIS RULEMAKING -- The Commission wants to ensure its mailings are sent to persons who are interested in the topic and want to receive that information. **ANY PERSON WHO COMMENTS** will continue to receive notices and information. If you do not submit comments but wish to remain on the mailing list for this rulemaking, please advise the Records Center by any one of the following methods: (1) send a note with your name, address (or a copy of your mailing label), and telephone and fax numbers referencing Docket PG-140105, and the words "Please keep me on the mailing list"; or (2) E-mail your name, address, telephone and fax numbers, referencing Docket PG-140105, and the words "Please keep me on the mailing list" to <records@utc.wa.gov>. Please note that all information in the mailings will be accessible through the Commission's Internet web site at <<http://www.utc.wa.gov/140105>>. **THOSE INTERESTED PERSONS WHO DO NOT RESPOND MAY NOT RECEIVE FURTHER MAILINGS OR INFORMATION ON THE RULEMAKING.**