

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of)	
Amending)	DOCKET NO. PG-050933
)	
WAC 480-93-005, WAC 480-93-017,)	GENERAL ORDER NO. R-524
WAC 480-93-178, and WAC 480-93-)	
200)	
)	ORDER AMENDING AND
Relating to)	ADOPTING RULES
Gas Companies - Safety)	PERMANENTLY
)	
.....)	

1 **SYNOPSIS.** *In this Order, the Commission adopts changes to certain pipeline safety rules in chapter 480-93 WAC, correcting and clarifying the language in WAC 480-93-005, WAC 480-93-017, WAC 480-93-178, and WAC 480-93-200.*

2 **STATUTORY OR OTHER AUTHORITY.** The Washington Utilities and Transportation Commission (Commission) takes this action under Notice WSR # 05-20-095, filed with the Code Reviser on October 5, 2005. The Commission takes this action under RCW 80.04.160, RCW 80.28.210(1), and RCW 80.01.040(1).

3 **STATEMENT OF COMPLIANCE.** This proceeding complies with the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

4 **DATE OF ADOPTION.** The Commission adopts these rules on the date this Order is entered.

5 **CONCISE STATEMENT OF PURPOSE AND EFFECT OF THE RULE.** RCW 34.05.325(6) requires the Commission prepare and provide to commenters a concise explanatory statement about an adopted rule. The statement must identify the Commission's reasons for adopting the rule, describe the differences between the version of the proposed rules published in the Washington State Register and the rules as adopted (other than editing changes), summarize the comments received regarding the proposed rule changes, and provide the Commission's responses to the comments, reflecting the Commission's consideration of them.

6 The Commission often discusses these matters in its rule adoption order. In addition, Commission Staff discusses these matters in memoranda, which include summaries of stakeholder comments, Commission decisions, and Staff recommendations.

7 In this docket, to avoid duplication, the Commission designates the discussion in this Order as its concise explanatory statement, supplemented where not inconsistent by the staff memoranda presented at the adoption hearing and at the open meetings where the Commission considered whether to begin a rulemaking and whether to propose adoption of specific language. Together, the documents provide a complete but concise explanation of the agency actions and its reasons for taking those actions.

8 **REFERENCE TO AFFECTED RULES.** This rule amends the following sections of the Washington Administrative Code:

Amended

WAC 480-93-005 Definitions

WAC 480-93-017 Filing requirements for design, specification, and construction procedures.

WAC 480-93-178 Protection of plastic pipe

WAC 480-93-200 Reporting requirements for operators of gas facilities

9 The rules are amended as follows:

- WAC 480-93-005(18) is amended to clarify the definition of “prompt action.”
- The first sentence of WAC 480-93-017(1) is amended to include “intending to operate,” rather than “operating” a gas pipeline facility.
- WAC 480-93-178(5) is amended to add the language “such as inserting the plastic pipeline in conduit” to provide operators an example within the section.
- WAC 480-93-200(1)(e) is amended to change the number of customers from 20 to 25.
- WAC 480-93-200(6) is amended to clarify the types of reports to be filed and that requested reports are due no later than March 15, for the preceding calendar year.

10 **PREPROPOSAL STATEMENT OF INQUIRY AND ACTIONS**

THEREUNDER. The Commission filed a Preproposal Statement of Inquiry (CR-101) on August 3, 2005, at WSR # 05-16-118. The statement advised interested persons that the Commission was considering a rulemaking to correct and clarify sections of the recently adopted chapter 480-93 WAC, relating to natural gas pipeline operations. The Commission completed a comprehensive review of its safety rules in chapter 480-93 WAC, effective on June 2, 2005. Commission Staff and stakeholders identified concerns with several particular rules while implementing the new rules.

11 **ADDITIONAL NOTICE AND ACTIVITY PURSUANT TO PREPROPOSAL**

STATEMENT. The Commission also informed persons of the inquiry into this matter by providing notice of the subject and the CR-101 to all persons on the Commission's list of persons requesting this information under RCW 34.05.320(3)

and the Commission's lists of all gas pipelines operating in the state, persons interested in gas companies, pipeline safety, and regulatory rulemakings, as well as to attorneys representing these companies or persons. In response to the notice, the Commission received comments from Puget Sound Energy (PSE), and Cascade Natural Gas (Cascade). The Northwest Industrial Gas Users also stated their interest in the rulemaking.

- 12 On September 7, 2005, the Commission circulated to interested persons a draft of suggested changes to WAC 480-93-005(18), WAC 480-93-017, WAC 480-93-178(5), and WAC 480-93-200. The Commission received comments from Cascade, PSE, and Avista Utilities supporting the suggested changes. The commenters also requested additional changes to WAC 480-93-200 to clarify the types of reports required and the timing for filing the reports.
- 13 **NOTICE OF PROPOSED RULEMAKING.** The Commission filed a notice of Proposed Rulemaking (CR-102) on October 5, 2005, at WSR # 05-20-095. The Commission scheduled this matter for oral comment and adoption under Notice WSR # 05-20-095 at 9:30 a.m., Wednesday, November 9, 2005, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington. The Notice provided interested persons the opportunity to submit written comments to the Commission by October 26, 2005.
- 14 **MEETINGS OR WORKSHOPS; ORAL COMMENTS.** The Commission did not hold a meeting or workshop in this rulemaking proceeding. Given the narrow focus of the rulemaking, i.e., to correct errors or clarify existing language, the Commission requested written and oral comments during the rulemaking process. The Commission received no oral comments during the November 9, 2005, adoption hearing.

- 15 **COMMENTERS (WRITTEN COMMENTS).** The Commission received written comments from PSE and Raymond A. Allen, P.E., a corrosion control engineer, both supporting the proposed rules.
- 16 **RULEMAKING HEARING.** The Commission considered the rule proposal for adoption at a hearing scheduled during the Commission's November 9, 2005, open public meeting. Chairman Mark Sidran and Commissioners Patrick Oshie and Philip Jones were present at the hearing. No interested person made oral comments.
- 17 **COMMISSION ACTION.** After considering all of the information about this proposal, the Commission amends and adopts the proposed rule amendments without changes to the language proposed in the Notice of Proposed Rulemaking.
- 18 **STATEMENT OF ACTION; STATEMENT OF EFFECTIVE DATE.** In reviewing the entire record, the Commission determines that WAC sections WAC 480-93-005(18), WAC 480-93-017, WAC 480-93-178(5), and WAC 480-93-200 should be amended to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect under RCW 34.05.380(2) on the thirty-first day after filing with the Code Reviser.

ORDER

THE COMMISSION ORDERS:

- 19 WAC sections WAC 480-93-005(18), WAC 480-93-017, WAC 480-93-178(5), and WAC 480-93-200 are amended and adopted to read as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect on the thirty-first day after the date of filing with the Code Reviser pursuant to RCW 34.05.380(2).

20 This Order and the rule set out below, after being recorded in the register of the Washington Utilities and Transportation Commission, will be forwarded to the Code Reviser for filing pursuant to chapters 80.01 and 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this __ day of November, 2005.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

MARK H. SIDRAN, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

Note: The following is added at Code Reviser request for statistical purposes:

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, amended 0, repealed 0; Federal Rules or Standards: New 0, amended 0, repealed 0; or Recently Enacted State Statutes: New 0, amended 0, repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, amended 0, repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, amended 4, repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, amended 0, repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, amended 0, repealed 0; Pilot Rule Making: New 0, amended 0, repealed 0; or Other Alternative Rule Making: New 0, amended 0, repealed 0.