

Decision No. C24-0925

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 24R-0078GPS

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES REGULATING PIPELINE OPERATORS AND GAS PIPELINE SAFETY, 4 CODE OF COLORADO REGULATIONS 723-11, TO IMPLEMENT HOUSE BILL 23-1216 AND SENATE BILL 23-285.

**COMMISSION DECISION ADOPTING RULES
AND GRANTING EXCEPTIONS, IN PART**

Issued Date: December 19, 2024

Adopted Date: December 4, 2024

I. BY THE COMMISSION

A. Statement

1. Through this Decision, the Commission addresses the exceptions filed by Public Service Company of Colorado (“Public Service” or the “Company”) in response to Recommended Decision R24-0762, issued October 23, 2024 (“Recommended Decision”).

2. This is a narrow rulemaking proceeding that proposes amendments to the Commission’s rules that implement statutory updates regarding customer owned service lines with associated new definitions as authorized in House Bill 23-1216. This rulemaking added new subsections in 4 *Code of Colorado Regulations* 723-11 rules to address locating and inspection of service regulators, establishes a process to determine whether an operator or customer has responsibility for the maintenance and repair of a customer owned service line, changing any references from Colorado Oil and Gas Conservation Commission (“COGCC”) to the Colorado

Energy and Carbon Management Commission (“ECMC”) and removing any reference to underground natural gas storage facilities from the rules.

3. In response to the Recommended Decision, the Company filed limited exceptions seeking to correct certain dates, provide clarifications, and make minor revisions for consistent use of certain defined terms. No responses to Public Service’s exceptions were filed. As discussed below, we grant the requested revisions, and otherwise adopt the Recommended Decision. Updated rules are attached with these minor changes and clarifications, in clean and redline format.

B. Background

4. On February 21, 2024, the Colorado Public Utilities Commission initiated this proceeding by issuing a Notice of Proposed Rulemaking (“NOPR”) to amend the Rules Regulating Pipeline Operators and Gas Pipeline Safety¹. The NOPR proposed changes to Rules 11001, 11008, and 11206, described those changes in detail and the justification therefore, attached the rules in redline/strikeout format and in a clean (legislative) version, established deadlines for the initial comment period, and referred the proceeding to an Administrative Law Judge (“ALJ”).

5. On April 15, 2024, the ALJ held the public comment hearing noticed in the NOPR. The ALJ discussed the proposed rules and the initial and response comments with the participants at the hearing.

6. On May 28, 2024, the ALJ issued Decision No. R24-0351-I that memorialized the continuance of the proceeding to June 24, 2024, included additional proposed changes to the rule sections listed above, and established updated deadlines for the response comment period.

7. On June 24, 2024, the ALJ held the continued remote public comment hearing. The ALJ discussed the proposed rules and the initial and response comments with the participants

¹ Decision No. C24-0099.

of the hear. The ALJ established deadlines for a third and final round of written comments regarding questions posed at this continued remote public comment hearing.

8. On October 23, 2024, the ALJ issued the Recommended Decision to adopt the updates made Attachments A and B of the referenced decision.

9. On November 12, 2024, the Company filed exceptions to the Recommended Decision, which included updates to the effective dates of incorporation by references in Rule 11008; minor clarifications in Rule 11206 regarding changes to clarify responsibility for maintenance and repair for certain piping – specifically to remove the reference to August 14, 1995, replace the phrase “all other infrastructure” with “pipe;” and replace the instances where defined terms of “gas meter” and “operator” should be used consistently.

C. Findings and Conclusion

10. We agree with the majority of the Company’s requested changes and agree that they provide added clarity. It appears that certain citations inadvertently included an inaccurate date, and we agree with the Company that the rules here should be updated to the most recent federal rule or regulation date, consistent with the intent of the Recommended Decision. Further still, we agree with the clarifying language and consistent use of defined terms proposed by the Company.

11. The exceptions also request changes that the rules omit the August 14, 1995 date referenced in Rule 11206. While we agree with the Company that the customer owned pipes are maintained by the customer regardless of when they were installed, including before or after August 14, 1995, § 40-2-115(1.5)(a) tasks the Commission with addressing the responsibility of maintenance and repairs for the line installation “on or before August 14, 1995.” To ensure clarity that the Commission, on the one hand, is addressing the statutory directive, and on the other to

avoid the potential confusion raised by the Company, we revise the language to include the following in subsection (b):

Customers are responsible for maintenance and repairs of customer-owned gas lines, including without limitation customer-owned gas lines installed on or after August 14, 1995.

12. With these clarifying and consistent revisions, we otherwise adopt the Recommended Decision, its reasoning, and the proposed changes to the Commission's Gas Pipeline Safety Rules.

II. ORDER

A. The Commission Orders That:

1. The exceptions filed on November 12, 2024, by Public Service Company of Colorado to Decision No. R24-0762, issued October 23, 2024, are granted in part, consistent with the discussion above.

2. The Rules Regulating Pipeline Operators and Gas Pipeline Safety, 4 *Code of Colorado Regulations* 723-11, attached to this Decision are adopted, consistent with the discussion above.

3. The rules in redline legislative format (showing changes to current rules) are attached to this Commission Decision as Attachment A. The rules in final format are attached to this Commission Decision as Attachment B. They are also available in the Commission's E-Filings system at:

https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=24R-0078GPS

4. Subject to a filing of an application for rehearing, reargument, or reconsideration, the opinion of the Attorney General of the State of Colorado shall be obtained regarding constitutionality and legality of the rules as finally adopted. A copy of the final, adopted rules shall

be filed with the Office of the Secretary of State. The rules shall be effective 20 days after publication in The Colorado Register by the Office of the Secretary of State.

5. The 20-day time period provided by § 40-6-114, C.R.S., to file an Application for Rehearing, Reargument, or Reconsideration shall begin on the first day after the effective date of this Decision.

6. This Decision is effective upon its Issued Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 4, 2024.**

(S E A L)



ATTEST: A TRUE COPY

Rebecca E. White,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Commissioners