

Decision No. R23-0328-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22R-0491GPS

IN THE MATTER OF THE PROPOSED RULES REGULATING PIPELINE OPERATORS
AND GAS PIPELINE SAFETY, 4 CODE OF COLORADO REGULATIONS 723-11.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
CONOR F. FARLEY
SCHEDULING SECOND CONTINUED REMOTE
PUBLIC COMMENT HEARING AND ESTABLISHING
DEADLINE FOR FURTHER COMMENTS**

Mailed Date: May 17, 2023

I. STATEMENT

A. Background

1. On November 9, 2022, 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 Safety.¹ The NOPR proposed significant changes to the aforementioned rules, described those changes in detail and the justification therefor, attached the Rules in legislative (*i.e.*, strikeout/underline) format and in a clean version, established deadlines of December 12, 2022 and January 3, 2023 for initial comments and response comments concerning the proposed rules, respectively, and scheduled a remote hearing for January 19, 2023 at 9:00 a.m. for oral comments regarding the proposed rules. The NOPR also

¹ Decision No. C22-0701.

referred this proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

2. The American Petroleum Institute (API), Atmos Energy Corporation (Atmos), Black Hills Colorado Gas, Inc., doing business as Black Hills Energy, Colorado Natural Gas, Inc., Colorado Oil and Gas Association, Public Service Company of Colorado (Public Service), the Southern Ute Indian Tribe and Red Cedar Gathering Company, and the Office of the Utility Consumer Advocate (UCA) filed initial comments. API, Atmos, Public Service, and the UCA filed response comments.

3. At 9:00 a.m. on January 19, 2023, the ALJ held the hearing noticed in the NOPR. The ALJ discussed the proposed rules and the initial and response comments with the participants at the hearing. Based on the input of the participants at the hearing, the ALJ ordered another round of comments by February 9, 2023 addressing: (a) the current status of the Order Addressing the Designation of Sensitive Security Information issued by the Transportation Security Administration on November 12, 2008 (TSA's SSI Order); (b) whether the TSA's SSI Order applies to the Colorado Oil and Gas Conservation Committee (COGCC) and specifically to Rule 1101.e of the COGCC's Flowline Regulations; and (c) whether the TSA's SSI Order applies to the Commission and specifically its Rules Regulating Pipeline Operators and Gas Pipeline Safety. The ALJ also continued the remote public comment hearing to May 2, 2023, at 9:00 a.m.

4. At 9:00 a.m. on May 2, 2023, the ALJ held the continued hearing noticed in the NOPR. The ALJ discussed the proposed rules and the written and oral comments with the participants at the hearing. Based on the input of the participants at the hearing, the ALJ ordered another round of comments due by June 16, 2023 and response comments due by June 23, 2023

addressing: (a) the comments submitted by Mark and Julie Nygren on May 1, 2023; (b) the definitions of “advanced leak detection technology” proposed by the Pipeline Safety Trust and possibly the Pipeline and Hazardous Materials Safety Administration in its proposed rules; (c) if the Commission concludes that it must make publicly available a GIS mapping tool containing pipeline information at the 1:6,000 scale, what actions can be taken to mitigate or eliminate the risk that bad actors can use the provided information to undertake improper action; and (d) the other questions raised at the May 2, 2023 continued remote public comment hearing.

B. Continued Remote Public Comment Hearing

5. During the continued remote public comment hearing on May 2, 2023, the undersigned ALJ announced the continuation of the hearing. This Interim Decision memorializes the continuance of the proceeding to June 29, 2023, at 11:30 a.m.

II. ORDER

A. It Is Ordered That:

1. The second continued remote public comment hearing on the proposed rules and related matters in this proceeding is scheduled as follows:

DATE: June 29, 2023

TIME: 11:30 a.m.

PLACE: By video conference: using the Zoom web conferencing platform at a link in the calendar of events on the Commission's website, available at <https://puc.colorado.gov/pucalendar>.

2. At the time set for the second continued remote hearing, interested persons may submit written comments and may present these orally unless the Administrative Law Judge deems oral comments unnecessary.

3. Interested persons may also submit written comments in this matter by filing them directly in this proceeding using the Commission’s e-filing system, including them in an email sent to the Commission, or by entering them through the Commission’s website by clicking on the “FILE A COMMENT OR COMPLAINT” link on the Commission’s home page and then following the prompts. The Commission’s e-filing system, email address, and “FILE A COMMENT OR COMPLAINT” link can be found at <https://puc.colorado.gov/>.

4. Interested persons may also submit oral comments in this matter, either in English or in Spanish, by calling (303) 869-3490 and leaving a voicemail containing the comments.

5. Regardless of which of the above methods is used for submitting comments in this proceeding, the number of this proceeding (22R-0491GPS) should be identified in submitted comments to aid the Commission’s administrative staff in placing the comments in this proceeding.

6. The Commission will equally consider all comments submitted, whether oral or written.

7. The deadline for written comments addressing the issues identified above are June 16 and 23, 2023.

8. This Decision is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONOR F. FARLEY

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads 'Rebecca E. White'.

Rebecca E. White,
Director