

Decision No. C13-0316

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 13R-0176GPS

IN THE MATTER OF THE PROPOSED RULES FOUND IN THE RULES REGULATING
GAS UTILITIES AND PIPELINE OPERATORS, 4 CODE OF COLORADO REGULATIONS
(CCR) 723-4

NOTICE OF PROPOSED RULEMAKING

Mailed Date: March 14, 2013
Adopted Date: March 7, 2013

I. BY THE COMMISSION

A. Statement

1. The Commission hereby issues this Notice of Proposed Rulemaking (NOPR) regarding amendments to the rules relating to the gas pipeline safety program. These rules are contained in the Rules Regulating Gas Utilities and Pipeline Operators, 4 *Code of Colorado Regulations* (CCR) 723-4. The proposed rules, in legislative format, are attached to this NOPR and are also available on the Commission's website.

2. The NOPR amends the existing Commission pipeline safety rules by adopting the amendments to the federal safety standards for the transportation of natural gas and other gas by pipeline. These federal amendments have been promulgated by the Office of Pipeline Safety (OPS), a unit of the Pipeline and Hazardous Materials Safety Administration (PHMSA) of the United States Department of Transportation, and are published at 49 C.F.R. Part 192. The main purpose of this NOPR is to incorporate by reference the federal amendments up to October 1, 2012. In addition, we propose deleting the definition of "immediate repair" from the rules because the rule provisions that discuss "incident" are currently adequate.

3. The statutory authority for these rules is set forth in §§ 40-2-108, 40-2-115, 40-7-117, C.R.S.

4. Rules not specifically discussed in this NOPR do not constitute a portion of this NOPR. The Commission is not proposing any changes to the rules not specifically discussed in this NOPR.

5. The proposed amendments will be published in the March 25, 2013 edition of *The Colorado Register*. Interested persons may also acquire a copy of the proposed amendments through the Commission's Electronic filing system in this proceeding, 13R-0176GPS, at: https://www.dora.state.co.us/pls/efi/EFI.Show_Docket?p_session_id=&p_docket_id=13R-0176GPS; or by contacting the Administrative Support Section through Elizabeth Hayes at 303-894-2884 or ElizabethK.Hayes@state.co.us.

6. An administrative law judge (ALJ) will conduct a hearing on these proposed rules and related issues at the below stated time and place. Interested persons may submit written comments on the rules, including data, views, or arguments, and present these orally at hearing unless the ALJ deems oral presentations unnecessary. The Commission encourages interested persons to submit written comments before the hearing scheduled in this matter. In the event interested persons wish to file comments before the hearing, the Commission requests that such comments be filed no later than April 26, 2013. Reply comments should be submitted no later than May 6, 2013. The Commission prefers that interested persons submitting comments do so through its Electronic Filing System. The Commission will consider all submissions, whether oral or written.

7. In submitting their comments or replies, interested persons are invited to suggest changes that will make the subject rules more efficient, rational, or meaningful. We recognize that regulation imposes costs; therefore, suggestions concerning rules that may be unnecessary or unduly burdensome will be fully considered by the Commission.

II. ORDER

A. The Commission Orders That:

1. This Notice of Proposed Rulemaking shall be filed with the Colorado Secretary of State for publication in the March 25, 2013 edition of *The Colorado Register*.

2. A hearing on these proposed rules and related matters shall be held before an Administrative Law Judge (ALJ) as follows:

DATE: May 14, 2013
TIME: 9:00 am
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, CO 80202

3. The ALJ may set additional hearings to continue the discussion and comment, if necessary.

4. At the time set for hearing in this matter, interested persons may submit written comments and may present these orally unless the ALJ deems the oral comments unnecessary. Interested persons may file written comments in this matter before hearing. The Commission prefers that such pre-filed comments be submitted through its Electronic Filing System no later than April 26, 2013. Reply comments should be submitted by May 6, 2013.

5. This Order is effective upon its Mailed Date.

**A. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 7, 2013.**

(S E A L)



ATTEST: A TRUE COPY



Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

JAMES K. TARPEY

PAMELA J. PATTON

Commissioners