

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 19R-0703GPS

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

**INTERIM DECISION ESTABLISHING DEADLINE FOR
LAST ROUND OF PUBLIC COMMENTS**

Mailed Date: July 14, 2020

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I. STATEMENT

A. Background

1. The Colorado Public Utilities Commission issued Decision No. C19-0983-I, which was a Notice of Proposed Rulemaking (NOPR) to amend the Rules Regulating Pipeline Operators and Gas Pipeline Safety (Pipeline Safety Rules), on December 9, 2019. The NOPR initiated this proceeding. The NOPR proposed significant changes to the Pipeline Safety 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 January 17, 2020 and January 31, 2020 for initial comments and reply comments concerning the proposed rules, respectively, and scheduled a hearing for February 10, 2020 at 9:00 a.m. for oral comments

regarding the proposed rules. The NOPR also referred this proceeding to an Administrative Law Judge (ALJ). The proceeding was subsequently assigned to the undersigned ALJ.

2. The American Petroleum Institute, Atmos Energy Corporation, Black Hills Colorado Gas, Inc. and Rocky Mountain Natural Gas LLC, Colorado Natural Gas, Inc., the Colorado Office of Consumer Counsel, the Colorado Oil and Gas Association (COGA), the Colorado Oil and Gas Conservation Commission, Colorado Natural Gas, Inc., Public Service Company of Colorado, and SP Pipeline Services Inc. submitted initial comments and/or reply comments by the deadlines specified in the NOPR.

3. At 9:00 a.m. on February 10, 2020, the ALJ held the hearing noticed in the NOPR. The ALJ discussed several of the proposed rules with the participants at the hearing. Based on the input of the commenters at the hearing, the ALJ continued the hearing to allow the commenters to engage in a stakeholder process to address and revise the proposed rules, submit revised proposed rules to the Commission, comment on those newly revised rules in writing, and schedule a continued hearing to receive additional oral comments regarding the revised proposed rules.

4. In Decision No. R20-0168-I, the ALJ established the schedule for the informal stakeholder process. The Decision set May 15, 2020 as the deadline to file a Notice that summarized the stakeholder process with attachments thereto consisting of the revised rules, and June 5, 2020 and June 19, 2020 as the deadlines for comments and response comments, respectively, regarding the newly revised rules.

5. On May 18, 2020, the ALJ issued Decision No. R20-0374-I that granted an informal request to continue: (a) the deadline to submit the Notice and attachments referenced in Decision No. R20-0168-I to June 1, 2020; and (b) the deadlines for comments and response comments concerning the newly proposed revised rules to June 15 and 29, 2020, respectively.

6. On July 6, 2020, the ALJ issued Decision No. R20-0492-I that converted the in-person continued public comment hearing into a remote continued public comment hearing.

7. On July 10, 2020, the ALJ held the remote continued public comment hearing. During the hearing, some participants expressed an interest in having a last opportunity to provide comments concerning the rules. In particular, some participants requested the opportunity to provide further comment regarding a proposal to allow an operator to request dismissal of a Notice of Probable Violation (NPV) to Proposed Rule 11505(c)(II)(a), rather than “revocation” of the NPV, as proposed by COGA in its comments filed on June 12, 2020. Some participants also requested the opportunity to provide further comments concerning whether a process for requesting and/or addressing “revocation” or “dismissal” of an NPV should be specified in the rules.

B. Analysis

8. As stated at the conclusion of the remote continued public comment hearing, the ALJ shall set July 24, 2020 as the deadline to file any final comments regarding the proposed rules, including the issues noted above.

II. ORDER

A. It Is Ordered That:

1. Final written comments from interested persons concerning the rules proposed in this proceeding are requested by July 24, 2020.

2. 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 "Doug Dean".

Doug Dean,
Director