



# Public Service Commission

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**-M-E-M-O-R-A-N-D-U-M-**

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PSC

**DATE:** January 19, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

**FROM:** DIVISION OF APPEALS (BELLAK) *RCB*  
 DIVISION OF ELECTRIC AND GAS (MILLS) *CRB*  
 DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) *JDJ CBH*

**RE:** DOCKET NO. 981097-GU - PROPOSED AMENDMENT OF RULE 25-12.005, F.A.C., CODES AND STANDARDS ADOPTED (UPDATE OF GAS PIPELINE SAFETY CODES)

**AGENDA:** 02/02/99 - REGULAR AGENDA - RULE PROPOSAL - INTERESTED PERSONS MAY PARTICIPATE

**RULE STATUS:** PROPOSAL MAY BE DEFERRED

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\APP\WP\981097.RCM

### CASE BACKGROUND

By Rule Request filed May 29, 1998, staff requested amendments to Rule 25-12.005, F.A.C., Codes and Standards Adopted (Update of Gas Pipeline Safety Codes). The amendments would update the Commission's reference to existing federal gas pipeline safety regulations adopted previously. The amendments revise the adoption dates to reflect the most current changes as amended by the United States Department of Transportation, in Parts 191, 192 and 199 of Title 49, Code of Federal Regulations.

As indicated by the memorandum filed by the Division of Research and Regulatory Review, it was not necessary to prepare a Statement of Estimated Regulatory Costs for the amendments described.

DOCUMENT NUMBER-DATE

**00721 JAN 20 99**

PSC RECORDS/REPORTING

DOCKET NO. 981097 JU  
DATE: 01/19/99

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission propose the attached amendments to Rule 25-12.005, F.A.C.?

**RECOMMENDATION:** Yes. The Commission should propose the attached amendments to Rule 25-12.005, F.A.C.

**STAFF ANALYSIS:** As stated above, the attached amendments revise the adoption dates to reflect the most current changes as amended by the United States Department of Transportation, thereby updating the Commission's reference to existing federal gas pipeline safety regulations already adopted by the Commission. This will make the states' rules for natural gas pipeline safety the same as the federal regulations.

**ISSUE 2:** If no requests for hearing or comments are filed, should the rule amendments as proposed be filed for adoption with the Secretary of State and the docket be closed?

**RECOMMENDATION:** Yes.

**STAFF ANALYSIS:** Unless comments or requests for hearing are filed, the rule as proposed may be filed with the Secretary of State without further Commission action. The docket may then be closed.

Attachments:  
Rule

RCB/

25-12.005 Codes and Standards Adopted.

The Minimum Federal Safety Standards and reporting requirements for pipeline facilities and transportation of gas prescribed by the United States Department of Transportation in Parts 191 and 192 of Title 49, Code of Federal Regulations (CFR) as amended through October 20, 1998 ~~January 31, 1991~~, are adopted as part of these rules. Part 199, "Drug and Alcohol Testing" as amended through October 20, 1998 ~~December 27, 1989~~ is adopted to control drug use, by setting standards and requirements to apply to the testing and use of all emergency response personnel under the direct authority or control of a gas utility or pipeline operator, as well as all employees directly or indirectly employed by gas pipeline operators for the purpose of operation and maintenance and all employees directly or indirectly employed by intrastate gas distribution utilities for on-site construction of natural gas transporting pipeline facilities. Part 199 also is adopted to prescribe standards for use of employees who do not meet the requirements of the regulations.

Specific Authority: 368.05(2), 350.127(2), F.S.

Law Implemented: 368.03, F.S.

History: New 11/14/70, Amended 9/24/71, Revised 9/21/74, Amended 10/7/75, 11/30/82, 10/2/84, 8/8/89, formerly 25-12.05, amended 1/7/92, \_\_\_\_\_.

MEMORANDUM

January 11, 1999

99 JAN 14 10:02 AM

TO: DIVISION OF APPEALS (BELLAK)

FROM: DIVISION OF RESEARCH AND REGULATORY REVIEW (HEWITT) *CBH JW OMS*

SUBJECT: STATEMENT OF ESTIMATED REGULATORY COSTS FOR DOCKET NO. 981097-GU, PROPOSED REVISIONS TO RULE 25-12.005, F.A.C., CODES AND STANDARDS

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Currently, Rule 25-12.005, F.A.C., Codes and Standards, contains the natural gas pipeline safety codes. The Florida safety codes follow the federal safety codes due to the interstate nature of natural gas pipelines.

The proposed rule amendments would update the Commission's reference to existing federal gas pipeline safety regulations already adopted by the Florida Public Service Commission. Conforming with federal pipeline safety rules should reduce regulatory burden and cost.

The Administrative Procedures Act encourages an agency to prepare a Statement of Estimated Regulatory Costs (SERC). However, because there should be no significant additional costs or negative impacts on utilities, small businesses, small cities, or small counties, a SERC will not be prepared for the proposed rule change.

Please keep my name on the CASR.

CBH:tf/e-memo99

cc: Mary Andrews Bane  
Hurd Reeves  
C. Edward Mills