

STATE OF MICHIGAN

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter, on the Commission’s own motion,)	
to commence a proceeding to consider amendments)	Case No. U-12570
to the Michigan Gas Safety Standards.)	
_____)	

At the October 6, 2000 meeting of the Michigan Public Service Commission in Lansing, Michigan.

PRESENT: Hon. John G. Strand, Chairman
Hon. David A. Svanda, Commissioner
Hon. Robert B. Nelson, Commissioner

ORDER COMMENCING RULEMAKING PROCEEDING

On December 6, 1999, the Commission issued an order in Case No. U-11750 that rescinded the Michigan Gas Safety Code and replaced it with the Michigan Gas Safety Standards. The Michigan Gas Safety Standards, which adopt the minimum federal safety standards by reference and identify provisions of the federal standards that have been modified to meet the specific needs of this jurisdiction, took effect on January 6, 2000.

Recently, the Research and Special Programs Administration of the United States Department of Transportation (DOT) issued and placed into effect a number of amendments to the Minimum Federal Pipeline Safety Standards (49 CFR, Part 192). The Natural Gas Pipeline Safety Act of 1968, as amended,¹ requires that a state’s gas safety standards equal or exceed minimum federal

¹On July 5, 1994, Public Law 103-272 was signed by President Clinton. This legislation effectively recodified federal law regarding pipeline safety as 49 USC § 60101 et seq.

safety standards in order for the state to retain safety jurisdiction over intrastate gas pipeline facilities subject to those standards. Toward that end, the Commission proposes to revise Rule 906 of the Michigan Gas Safety Standards (which is the provision that adopts by reference the federal code) to make reference to the latest version of the federal code. This can be accomplished by simply replacing “1998” with “1999” in Subsection (2)(b) of Rule 906. In addition, the Commission proposes to make other minor revisions to Rule 906 to better indicate how interested parties can obtain copies of the federal standards that have been adopted by reference in the Michigan Gas Safety Standards.

The Commission encourages interested parties to become involved in the rulemaking process. Attached to this order as Exhibit A is a notice of public hearing that has been scheduled for 9:00 a.m. on December 12, 2000 in the offices of the Commission, 6545 Mercantile Way, Lansing, Michigan regarding the proposed revision. In addition, any person may submit comments concerning the proposed revisions. Written comments, which should reference the case number of this proceeding, should be submitted no later than January 2, 2001 to be considered. It is proposed that the effective date of the revisions, if approved, will be March 1, 2001.

The Commission FINDS that:

a. Jurisdiction is pursuant to 1969 PA 165, as amended, MCL 483.151 et seq.; MSA 22.1332(1) et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; MSA 22.1 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; MSA 22.13(1) et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; MSA 3.560(101) et seq.; and the Commission’s Rules of Practice and Procedure, as amended, 1992 AACRS, R 460.17101 et seq.

b. A hearing should be held regarding the proposed revisions to Rule 906 of the Michigan Gas Safety Standards.

THEREFORE, IT IS ORDERED that:

A. A notice of hearing regarding the adoption of proposed revisions to Rule 906 of the Michigan Gas Safety Standards shall be published in accordance with the requirements of the Administrative Procedures Act of 1969.

B. A public hearing regarding the proposed revisions shall be held at 9:00 a.m. on December 12, 2000 at the Commission's offices, 6545 Mercantile Way, Lansing, Michigan. A notice of hearing is attached to this order as Exhibit A.

C. The public hearing will be legislative in nature and any person may present data, views, questions, and arguments regarding the proposed rule revision. Statements may be limited in duration by the presiding officer in order to ensure that all interested parties will have an opportunity to participate in the proceeding. The proceeding will continue as the presiding officer may schedule until all persons have had a reasonable opportunity to be heard.

D. Any person may file written comments, suggestions, data, views, questions, arguments, and revisions concerning the proposed changes to Rule 906 of the Michigan Gas Safety Standards. An original and 15 copies shall be filed with the Office of the Executive Secretary, Michigan Public Service Commission, 6545 Mercantile Way, P.O. Box 30221, Lansing, Michigan 48909. All written comments must be submitted no later than January 2, 2001 and should reference Case No. U-12570.

E. Copies of the existing Michigan Gas Safety Standards and additional copies of the proposed revised version of Rule 906 of those standards, which is attached to this order as Exhibit B, are available upon request to the Executive Secretary.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

/s/ John G. Strand
Chairman

(S E A L)

/s/ David A. Svanda
Commissioner

/s/ Robert B. Nelson
Commissioner

By its action of October 6, 2000.

/s/ Dorothy Wideman
Its Executive Secretary

E. Copies of the existing Michigan Gas Safety Standards and additional copies of the proposed revised version of Rule 906 of those standards, which is attached to this order as Exhibit B, are available upon request to the Executive Secretary.

The Commission reserves jurisdiction and may issue further orders as necessary.

MICHIGAN PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

By its action of October 6, 2000.

Its Executive Secretary

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Case No. U-12570

Suggested Minute:

“Adopt and issue order dated October 6, 2000 commencing a proceeding to consider revisions to Rule 906 of the Michigan Gas Safety Standards, as set forth in the order.”