

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 11R-364GPS

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

NOTICE OF PROPOSED RULEMAKING

Mailed Date: April 22, 2011
Adopted Date: April 20, 2011

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, which rules are part of the Rules Regulating Gas Utilities and Pipeline Operators, 4 *Code of Colorado Regulations* (CCR) 723-4. A copy of the proposed rules in legislative format is attached to this NOPR and is available on the Commission's website.

2. This NOPR amends the existing state pipeline safety rules by adopting federal amendments up to October 1, 2010.

3. Generally, the basis and purpose of the proposed rules is to bring the Gas Pipeline Safety Rules up to date and in compliance with amended safety rules promulgated by the U.S. Department of Transportation, 49 U.S.C. § 60105 *et seq.* The proposed rules also modify various definitions, update the emergency waiver procedures to parallel the regulations promulgated by the Pipeline and Hazardous Materials Safety Administration, and modify the

incident and annual reporting requirements. 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 May 10, 2011 edition of *The Colorado Register*. Additionally, interested persons may acquire a copy of the proposed amendments through the Commission's Electronic filing system or by contacting the Administrative Support Section through Elizabeth Hayes at 303-894-2884 or Elizabeth.Hayes@dora.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 also 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 June 3, 2011. Reply comments should be submitted by June 17, 2011. The Commission prefers that interested persons submitting comments do so through the Commission's Electronic Filing System. The Commission will consider all submissions, whether oral or written.

7. In submitting 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 May 10, 2011 edition of *The Colorado Register*.

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

DATE: June 28, 2011
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

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 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 the Commission's Electronic Filing System no later than June 3, 2011. Reply comments should be submitted by June 17, 2011.

5. This Order is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
April 20, 2011.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JAMES K. TARPEY

MATT BAKER

Commissioners

CHAIRMAN RONALD J. BINZ
RESIGNED EFFECTIVE APRIL 8, 2011.

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GAS UTILITIES AND PIPELINE OPERATORS, 4 CODE OF COLORADO REGULATIONS
723-4.

**INTERIM ORDER OF
ADMINISTRATIVE LAW JUDGE
KEITH J. KIRCHUBEL
SCHEDULING HEARING**

Mailed Date: April 28, 2011

I. STATEMENT

1. This Docket was opened on April 22, 2011, pursuant to Decision No. C11-0440.
2. At the same time, the Commission provided Notice of Proposed Rulemaking, notice of filing deadlines for written comments, and a notice of hearing scheduled on June 28, 2011. The Commission also assigned this matter to the undersigned Administrative Law Judge (ALJ) for disposition.
3. The assignment from the Commission included the grant of authority to the ALJ to set additional hearings as necessary.
4. In consultation with Advisory Staff of the Commission, the ALJ determined that Staff has a scheduling conflict on June 28, 2011. Therefore, a hearing in this matter will be set on June 30, 2011, when Advisory Staff will be available to address comments and questions regarding the proposed rulemaking.
5. The ALJ will not vacate the hearing set on June 28, 2011, in the event that interested parties cannot attend the additional hearing set on June 30, 2011.

However, as Advisory Staff will not be in attendance on June 28, 2011, the ALJ encourages all parties who wish to be heard and are able to do so to attend the hearing on June 30, 2011.

II. ORDER

A. It Is Ordered That:

1. A hearing on the proposed rules and related matters shall be held as follows:

DATE: June 30, 2011
TIME: 9:00 a.m.
PLACE: Commission Hearing Room
1560 Broadway, Suite 250
Denver, Colorado

2. The hearing previously noticed for June 28, 2011, will go forward but without the attendance of Advisory Staff of the Commission as described herein above.

3. This Order is effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

KEITH J. KIRCHUBEL

Administrative Law Judge

ATTEST: A TRUE COPY

Doug Dean,
Director