

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1995, each agency shall begin the rulemaking process by 1st filing a Notice of Proposed Rulemaking, containing the preamble and the full text of the rules, with the Secretary of State's Office. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the Arizona Administrative Register.

Under the Administrative Procedure Act (A.R.S. § 41-1001 *et seq.*), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the Register before beginning any proceedings for adoption, amendment, or repeal of any rule. A.R.S. §§ 41-1013 and 41-1022.

NOTICE OF PROPOSED RULEMAKING

TITLE 14. PUBLIC SERVICE CORPORATIONS; CORPORATIONS AND ASSOCIATIONS; SECURITIES REGULATION

CHAPTER 5. CORPORATION COMMISSION TRANSPORTATION

PREAMBLE

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|--|---|
| 1. <u>Sections Affected</u>
R14-5-202
R14-5-205 | <u>Rulemaking Action</u>
Amend
Amend |
|--|---|
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 40-202, 40-203, 40-321, 40-322, 40-441, and 40-442, and Arizona Constitution Article 15.
Implementing statutes: A.R.S. §§ 40-202, 40-203, 40-321, 40-322, 40-441, and 40-442, and Arizona Constitution Article 15.
- The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- | | |
|------------|--|
| Name: | Peter Breen, Attorney, Legal Division |
| Address: | Corporation Commission
1200 West Washington
Phoenix, Arizona 85007 |
| Telephone: | (602) 542-3402 |
| Fax: | (602) 542-4870 |
- 4. An explanation of the rule, including the agency's reasons for initiating the rule:**
R14-5-202 and R14-5-205 pertain to the transportation of natural gas, other gas, and hazardous liquids by pipeline are being amended to recognize changes to 49 CFR 191, 192, 193, 195, 199, and 40. Also, a change is being made in the requirement to file changes to pipeline operator's existing operation and maintenance plans.
- 5. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
- 6. The preliminary summary of the economic, small business, and consumer impact:**
The amendments will update the existing rules to reflect changes in the federal safety regulations. The amendments will create no additional cost to small business or to political subdivisions.
- 7. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**
- | | |
|------------|--|
| Name: | Terry Fronterhouse |
| Address: | Corporation Commission
1200 West Washington
Phoenix, Arizona 85007 |
| Telephone: | (602) 542-3316 |
| Fax: | (602) 542-3071 |

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8. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

Date: July 8, 1996
Time: 10 a.m.
Location: Corporation Commission
1200 West Washington
Phoenix, Arizona 85007
Nature: Public Comment

9. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.

10. Incorporations by reference and their location in the rules:

49 CFR 191, 192, 193, 195, 199, and 40. These documents cover the minimum safety standards for the construction and operation of gas and hazardous liquid pipelines. These documents may be found at the Corporation Commission, Utilities Division, Pipeline Safety Section, 1200 West Washington, Phoenix, Arizona 85007.

11. The full text of the rules follows:

**TITLE 14: PUBLIC SERVICE CORPORATIONS; CORPORATIONS
AND ASSOCIATIONS; SECURITIES REGULATION**

**CHAPTER 5. CORPORATION COMMISSION
TRANSPORTATION**

ARTICLE 2. PIPELINE SAFETY

Section
R14-5-202. Construction and Safety Standards
R14-2-205. Master Meter System Operators

ARTICLE 2. PIPELINE SAFETY

R14-5-202. Construction and Safety Standards

- A. No change.
- B. Subject to the definitional changes in R14-5-201 and the revisions noted in subsection (C) below, the Commission adopts, incorporates, and approves as its own 49 CFR 40, 191, 192, 193, 195, except 195.1(b)(2) and (3), and 199, revised as of ~~February 15, 1994~~ August 14, 1995, (and no future amendments) incorporated by reference, on file with the Office of the Secretary of State, and copies available from the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.
- C. No change.
- D. Operators of an intrastate pipeline, before commencing operations, will file with the Commission an Operation and Maintenance Plan (O & M), including an emergency plan, ~~within 120 days of the effective date of this rule.~~ Any new plans or changes in existing plans will be filed no later than 30 days prior to the proposed effective date of implementation after the change in plan is implemented.
- E. No change.
- F. No change.
- G. No change.
- H. No change.
- I. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system will utilize a cathodic protection system designed to protect metallic pipe, when used, in its entirety, in accordance with 49 CFR 192, Subpart I, ~~February 15, 1994~~ August 14, 1995, (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State and copies available from the United States Government Printing Office, P.O. Box 371975M, Pitts-

burgh, Pennsylvania 15250-7975. Such a cathodic protection will be in operation within 60 days after completion of construction.

- J. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system will not use solvent cement to join together plastic pipe manufactured from different materials unless the operator utilizes a joining procedure in accordance with the specifications of 49 CFR 192, Subpart F, ~~February 15, 1994~~ August 14, 1995 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.
- K. No change.
- L. No change.
- M. No change.
- N. No change.
- O. No change.
- P. No change.
- Q. No change.
- R. No change.
- S. No change.

R14-5-205. Master Meter System Operators

- A. No change.
- B. No change.
- C. No change.
- D. Operators of a master meter system will ~~file with the Commission~~ establish an Operation and Maintenance Plan (O & M) including an emergency plan, ~~within 120 days of the effective date of this rule.~~ Any new plans or changes in existing plans will be filed 30 days prior to the proposed effective date of implementation. The plans must be maintained at the master meter location.
- E. No change.
- F. No change.
- G. Operators of a master meter system will not use solvent cement to join together plastic pipe manufactured from different materials unless the operator utilizes a joining procedure in accordance with the specifications of 49 CFR 192, Subpart F,

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February 15, 1994 August 14, 1995 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.

- H. No change.
- I. No change.
- J. No change.

- K. No change.
- L. No change.
- M. No change.
- N. No change.
- O. No change.
- P. No change.
- Q. No change.
- R. No change.