

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of an Investigation into Natural)
Gas Pipeline Safety Rules and Regulations.) Docket No. 19-GIMP-431-GIP

**ORDER OPENING DOCKET; AUTHORIZING SUBMISSION OF PROPOSED
AMENDMENTS OF PIPELINE-RELATED REGULATIONS**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records and being fully advised in the premises, the Commission finds and concludes as follows:

I. BACKGROUND

1. 49 C.F.R. Part 198 establishes Regulations for Grants to Aid Pipeline Safety Programs. 49 C.F.R. 198.53 and 49 C.F.R. 198.55 detail the process and evaluation criteria the Pipeline and Hazardous Materials Safety Administration (PHMSA) utilizes when evaluating a state's pipeline damage prevention enforcement program.

2. Amendments to pipeline-related Commission regulations are necessary to ensure Kansas' regulations pertaining to natural gas pipeline safety remain compatible with federal regulations promulgated by PHMSA. This docket will facilitate the adoption of amendments to the following Commission regulations:

- a. K.A.R. 82-11-2
- b. K.A.R. 82-11-3
- c. K.A.R. 82-11-4
- d. K.A.R. 82-11-6
- e. K.A.R. 82-11-7; and
- f. K.A.R. 82-11-10.

II. FINDINGS AND CONCLUSIONS

3. The Kansas Rules and Regulations Filing Act, K.S.A. 77-415 *et seq.*, governs the adoption of regulations in Kansas. Accordingly, this docket will proceed under the framework established in the Kansas Rules and Regulations Filing Act, K.S.A. 77-415 *et seq.*, and not the Kansas Administrative Procedure Act (KAPA), K.S.A. 77-501 *et seq.* As this docket is initiated as a general investigation, the Commission is authorized to adopt procedures different from KAPA for good cause.¹ Because the Kansas Rules and Regulations Filing Act provides the authority by which an agency may adopt regulations, the Commission finds good cause exists to utilize this framework. Pursuant to K.S.A. 66-1,204 the Commission finds and concludes good cause exists to utilize procedures other than those outlined in KAPA for this proceeding. Any adoption of Staff's proposed regulatory amendments shall follow the framework established by the Kansas Rules and Regulations Filing Act, K.S.A. 77-415 *et seq.*

4. The Commission finds and concludes a central repository to establish a record of this regulatory amendment proceeding is in the public interest and should be approved. Staff is directed to utilize this docket as a repository to continually update the Commission and public regarding the status of this regulatory adoption proceeding.

5. The Commission hereby directs Staff to file in this docket Staff's proposed amendments to the regulations identified in paragraph 2. Upon such filing, the Commission hereby authorizes its Staff to submit the proposed regulations for approval in conformance with the Kansas Rules and Regulations Filing Act, K.S.A. 77-415 *et seq.*

¹ See K.S.A. 66-1,204.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The above-captioned docket shall be opened for the purpose of adopting amendments to the Commission's Natural Gas Pipeline Safety Rules and Regulations and shall serve as the official repository for updated materials of said regulations as they are adopted.

B. Upon filing in this docket, the Commission authorizes its Staff to submit the proposed regulations in conformance with the Kansas Rules and Regulations Filing Act, K.S.A. 77-415 *et seq.* The Commission further concludes good cause exists to utilize procedures other than those outlined in KAPA for this proceeding.

C. Parties have 15 days, plus three days if service is by mail, from the date of service of this Order to petition the Commission for reconsideration or request a hearing on the determinations made in this order.²

D. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 04/30/2019 _____



Lynn M. Retz
Secretary to the Commission

REV

² See K.A.R. 82-1-232(b); K.A.R. 82-1-235.

CERTIFICATE OF SERVICE

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I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 04/30/2019.

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/S/ DeeAnn Shupe

DeeAnn Shupe