

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of a General Investigation into)
the Operations of Atmos Energy Regarding a) Docket No. 19-ATMG-181-GIP
Natural Gas Incident that Occurred at 14201)
Linwood in Bonner Springs, Kansas.)

ORDER CLOSING GENERAL INVESTIGATION

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings and conclusions:

BACKGROUND

1. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 60101 et seq.) requires all pipelines transporting natural gas to meet minimum safety requirements as promulgated by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA). Under the Act, the State of Kansas is to obtain jurisdiction over intrastate natural gas pipelines, provided the state pipeline safety program meets PHMSA certification requirements.

2. The Commission, under the authority of K.S.A. 66-1,150, has oversight for the safety of all intrastate natural gas pipelines and is annually certified by PHMSA. PHMSA requires the Commission to investigate natural gas incidents that have resulted in personal injury requiring hospitalization, property damage exceeding \$50,000, the release of more than 3,000 MCF of natural gas, and/or other incidents otherwise considered significant.

3. On October 31, 2018, Commission Staff (Staff) filed its Motion to Open Docket.¹ Staff requested the Commission open a general investigation to examine a natural gas explosion that occurred in a small commercial structure located at 14201 Linwood on the outskirts of the city of Bonner Springs, Kansas. Atmos Energy Corporation (Atmos) operates the pipeline associated with the incident.² Although the small commercial structure was destroyed, no one was injured in the incident. Atmos operates within the State of Kansas as a natural gas public utility and is lawfully certified to operate as such.

4. On November 20, 2018, the Commission adopted Staff's Motion to Open Docket and issued an Order Opening General Investigation.

5. On August 2, 2019, Staff submitted its Notice of Filing of Staff's Report and Recommendation.³ In that Report and Recommendation, Staff recommended the Commission find the subject incident was accidental and suggested the docket be closed.⁴

II. DISCUSSION

6. Following the explosion, Atmos hired a consultant to perform an analysis on the pipeline. According to the analysis, the pipe that was the cause of the explosion had been bent beyond its engineered tolerance and the resulting stress placed on the nearby butt fusion caused a leak to occur. Atmos concluded the pipe was most likely bent due to soil settlement that occurred because of excavation around the leak location, as well as being located near a creek runoff area. After review of Atmos' initial report, attached to Staff's Report and Recommendation, Staff agrees with Atmos regarding the cause of the pipe's failure. Ultimately,

¹ Motion to Open Docket (Oct. 31, 2018).

² *See Id.*, pg. 1.

³ Staff's Report and Recommendation (July 29, 2019).

⁴ *See Id.*, pg. 4.

violation of pipeline safety regulations and recommended the Commission find the subject incident was accidental and close the instant docket.

7. Although Staff concluded that Atmos was not at fault in the subject incident, Staff believed Atmos should take steps to prevent incidents like this from occurring in the future. Specifically, Staff noted that while performing routine inspections of pipeline that is known to be polyethylene, special care should be taken to check for any signs of or indication that subsidence could or has occurred.⁵ Staff also noted it is important to note if there has been excavation activity in the area, such as utilities' pipelines or equipment that have been installed. Finally, Staff noted that effective communication should be maintained with the utilities that perform work around their lines; this could alert either company to possible risks of settling and subsidence due to excavation work.

III. FINDINGS AND CONCLUSIONS

8. Pursuant to K.S.A. 66-1,150 *et seq.*, the Commission is authorized to adopt rules and regulations as may be necessary to be in conformance with the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 60101 *et seq.*), as amended. Accordingly, pursuant to this authority the Commission has jurisdiction to investigate intrastate natural gas incidents that have resulted in personal injury requiring hospitalization, a fatality, property damage exceeding \$50,000, the release of more than 3,000 MCF of natural gas and/or other incidents otherwise considered significant.

9. Staff's Report and Recommendation, dated July 29, 2019, and filed August 2, 2019, is hereby adopted and incorporated by reference. The Commission has reviewed Staff's Report and Recommendation and hereby adopts the findings and recommendations contained therein.

⁵ See *Id.*

10. The Commission finds the record for this general investigation is now complete and no further action is required from Staff or Atmos at this time. Accordingly, the Commission finds and concludes this docket should be closed.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. For the reasons set forth above, the instant docket is hereby closed, as recommended by Staff.

B. The parties have fifteen (15) days, plus three (3) days if service is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 77-529(a)(1).

C. 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; Duffy, Commissioner

Dated: 08/20/2019



Lynn M. Retz
Executive Director

PZA

CERTIFICATE OF SERVICE

19-ATMG-181-GIP

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 08/20/2019.

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