

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held March 16, 2023

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
Stephen M. DeFrank, Vice Chairman
Ralph V. Yanora
Kathryn L. Zerfuss
John F. Coleman, Jr.

Act 127 of 2011 – The Gas and Hazardous Liquids
Pipeline Act; Assessment of Pipeline
Operators – Jurisdiction over Class 1 Gas
Gathering Lines and Certain LNG Facilities;
Assessment of Pipeline Operators

M-2012-2282031

ERRATA NOTICE

This is to advise all parties of record that the Order entered March 16, 2023, in the above-captioned proceeding, contains errors which are being corrected herein.

In the body of the March 16, 2023 Order, page 9, the citations to 58 P.S. § 801.301(c)(a) are incorrect and should read as 58 P.S. § 801.301(c)(1). In Ordering Paragraph 4, page 15, the phrase “Class 1” is an error and should be removed to be consistent with the body of the March 16, 2023 Order (*i.e.*, per 49 CFR 192.8(c)(2), Table 1, Type R lines include both Class 1 and Class 2 onshore gas gathering lines that do not fall within Type A, Type B, or Type C lines).

The corrected pages 9 and 15 of the March 16, 2023 Order reflecting the revisions above are attached. The corrected Order replaces the prior version. The current Order on the Commission website will also be corrected.

- (c) **Registration with commission.--**
 - (1) A pipeline operator shall register with the commission.
 - (2) Failure to register shall subject the pipeline operator to a civil penalty under section 502.¹
 - (3) The operator of a pipeline in a Class 1 location that collects or transports gas from an unconventional well shall report the location of the pipeline by class location and approximate aggregate miles for inclusion in the commission's registry.
- (d) **Disclosure.--**The commission shall require each pipeline operator, regardless of class location, to disclose in its initial registration and in each annual renewal the country of manufacture for all tubular steel products used in the exploration, gathering or transportation of natural gas or hazardous liquids. The commission may develop a disclosure form and require its use.

58 P.S. § 801.301.

As established in the discussion above, Type R intrastate pipelines and pipeline operators are jurisdictional. Since they are jurisdictional, Type R intrastate pipeline operators must register with the Commission, and the Commission must maintain a registry of these operators. 58 P.S. §§ 801.301(a), (c)(1). Accordingly, we will require Type R intrastate pipeline operators to register with the Commission pursuant to Act 127. 58 P.S. § 801.301(c)(1). We also direct Commission staff to maintain a registry of all Type R intrastate pipeline operators in accordance with Act 127. 58 P.S. § 801.301(a).

I. Commission’s Duty under Act 127 to Supervise Pipeline Operators Consistent With Federal Pipeline Safety Laws

While we will require Type R intrastate pipeline operators to register with the Commission on an annual basis, we clarify that we will not require these operators to file Part 191 reports with the Commission at this time. Act 127 establishes that the “safety standards and regulations for [non-utility] pipeline operators shall be those issued under the Federal pipeline safety laws as implemented in 49 CFR Subtitle B, Ch. 1, Subch. D (relating to pipeline safety) [49 C.F.R. § 190.1 *et seq.*].” 58 P.S. § 801.302. The Commission has a statutory duty to supervise and regulate pipeline operators *consistent*

2. The Implementation Order entered December 8, 2022, in the above-captioned docket shall be clarified consistent with this Order.

3. By May 15, 2023, all pipeline operators in the Commonwealth of Pennsylvania that own or operate a Type C Class 1 gas gathering line or a liquefied natural gas facility fed by a Type C Class 1 gas gathering line and not connected to the interstate pipeline system shall provide a copy of their Part 191 Annual Report filed with the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration to the Commission's Bureau of Investigation & Enforcement Safety Division by email at RA-PC-PipelineSafety@pa.gov. Thereafter, Types A, B, and C pipeline operators (excluding Type R pipeline operators) shall provide a copy of their PHMSA annual report by March 15th of each year to the Commission's Bureau of Investigation & Enforcement Safety Division by email at RA-PC-PipelineSafety@pa.gov.

4. All pipeline operators in the Commonwealth of Pennsylvania that own or operate a Type C or Type R gas gathering line shall file with the Commission an Annual Registration Form by March 31, 2023, and thereafter on March 31st of each year, in accordance with the December 8, 2022 Implementation Order and this Order and the then-current Pipeline Operator Annual Registration Form available on the Commission's website.

5. In addition to computing the annual assessment for Types A and B pipeline operators, that the Commission's Fiscal Office shall compute the annual assessment for Type C Class 1 gas gathering pipeline operators (and not Type R pipeline operators) based on the pipeline operator's current Annual Registration Form and in accordance with Act 127. For the 2023-24 assessment covering fiscal year July 1, 2023, through June 30, 2024, the Fiscal Office shall include Type C Class 1 *regulated onshore gas gathering pipeline miles*.