

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE APPLICATION OF
NGO TRANSMISSION, INC. FOR A WAIVER
OF CERTAIN PROVISIONS IN 49 C.F.R. PART
192.

CASE NO. 17-1751-GA-WVR

ENTRY

Entered in the Journal on March 22, 2018

{¶ 1} NGO Transmission, Inc. (NGOT) is a pipeline company as defined in R.C. 4905.03 and an operator as defined in R.C. 4905.90, and, pursuant to R.C. 4905.90 through 4905.96, is subject to the jurisdiction and supervision of this Commission. Accordingly, NGOT is required to comply with the gas pipeline safety standards in Ohio Adm.Code Chapter 4901:1-16. Pursuant to Ohio Adm.Code 4901:1-16-03(A), the Commission has adopted the gas pipeline safety regulations of the United States Department of Transportation (USDOT) contained in 49 C.F.R. Parts 40, 191, 192, and 199.

{¶ 2} On August 8, 2017, NGOT filed an application seeking a waiver of 49 C.F.R. 192.53(c), 192.121, 192.123, 192.619(a), and 192.283(b), pursuant to 49 U.S.C. 60118(d) and Ohio Adm.Code 4901:1-16-02(E), in order to permit NGOT to install and use a non-metallic, reinforced thermoplastic pipe (RTP) manufactured by Specialty RTP, LLC. NGOT states that it seeks to use four-inch RTP to replace approximately 28,500 feet of six-inch bare steel natural gas transmission pipeline, which was installed in 1955 and is located in Rich Hill and Salt Creek Townships, Muskingum County, Ohio. According to NGOT, a waiver of 49 C.F.R. 192.53(c), 192.121, 192.123, 192.619(a), and 192.283(b) is necessary as RTP is not expressly addressed in 49 C.F.R. Part 192, and because NGOT's use of RTP anticipates operation at pressures higher than 125 pounds per square inch gauge. In support of its request, NGOT notes that 49 C.F.R. Part 192 does not expressly restrict the use of other qualified materials. NGOT adds that the use of RTP has previously been approved by USDOT's Pipeline and Hazardous Materials Safety Administration and other state commissions. NGOT asserts that its use of RTP would improve the integrity of its system by eliminating corrosion, reducing environmental impact and cost of alternative construction methodologies, lowering maintenance costs, and

increasing resistance to third-party damage. NGOT concludes that its waiver request is not inconsistent with gas pipeline safety and should, therefore, be approved.

{¶ 3} On March 12, 2018, Staff filed a report in response to NGOT's application, recommending that the waiver be granted, subject to a number of conditions.

{¶ 4} Following certification in accordance with 49 U.S.C. 60105, the Commission acts as an interstate agent with respect to enforcement of the pipeline safety regulations in 49 C.F.R. Part 192. Pursuant to 49 U.S.C. 60118(d), the Commission is authorized to waive compliance with certain safety standards in the same way and to the same extent that the Secretary of the USDOT may waive compliance under 49 U.S.C. 60118(c). Under 49 U.S.C. 60118(c), the Secretary of the USDOT may act on a waiver only after notice and an opportunity for a hearing.

{¶ 5} Consistent with the requirements of 49 U.S.C. 60118(c) and (d), the attorney examiner finds that a hearing should be scheduled in this matter. Specifically, a hearing shall commence on April 12, 2018, at 10:00 a.m. at the offices of the Commission, 180 East Broad Street, 11th Floor, Hearing Room 11-C, Columbus, Ohio 43215.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That a hearing be scheduled in accordance with Paragraph 5. It is, further,

{¶ 8} ORDERED, That a copy of this Entry be served upon all interested persons and parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/Sarah Parrot

By: Sarah J. Parrot
Attorney Examiner

JRJ/sc

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in

Case No(s). 17-1751-GA-WVR

Summary: Attorney Examiner Entry scheduling hearing to commence on 04/12/2018 at 10:00 a.m. at the offices of the Commission, 180 E. Broad St., 11th Flr., Rm. 11-C, Columbus, Ohio electronically filed by Sandra Coffey on behalf of Sarah Parrot, Attorney Examiner, Public Utilities Commission of Ohio