

# 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 May 9, 2018

### I. SUMMARY

{¶ 1} The Commission grants the request of NGO Transmission, Inc. for a waiver of certain provisions in 49 C.F.R. Part 192, subject to Staff's conditions, as well as review by the United States Department of Transportation.

### II. DISCUSSION

{¶ 2} 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. Ohio Adm.Code 4901:1-16-02(E) provides that the Commission may, upon an application or a motion filed by a party, waive any requirement of Ohio Adm.Code Chapter 4901:1-16, other than a requirement mandated by statute, for good cause shown.

{¶ 3} On August 8, 2017, NGOT filed an application seeking a waiver of certain provisions in 49 C.F.R. Part 192, 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 (Specialty RTP). 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, the waiver 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 (psig). Specifically, NGOT requests a waiver of the following requirements:

- (a) 49 C.F.R. 192.53(c), which requires that materials for pipe and components be qualified in accordance with the applicable requirements of Subpart B of 49 C.F.R. Part 192. NGOT notes that this subpart does not specifically address the use of RTP.
- (b) 49 C.F.R. 192.121, which provides two formulas by which the design pressure for plastic pipe is to be determined. NGOT states that this section does not address design requirements for RTP.
- (c) 49 C.F.R. 192.123, which establishes design limitations for plastic pipe. According to NGOT, the pressure limitation of 125 psig for plastic pipe is not applicable to RTP.
- (d) 49 C.F.R. 192.283(b), which sets forth the process for qualifying joining procedures for making mechanical plastic pipe joints. NGOT asserts that the written testing and installation procedures specified in Exhibit A to its application demonstrate that the pipe and couplings to be used exceed the qualification requirements of 49 C.F.R. 192.283(b); the joining requirements set forth in 49 C.F.R. 192.273 will be followed; and a trained technician from Specialty RTP will be on site for the entire installation to

ensure adherence to the written installation and testing procedures.

- (e) 49 C.F.R. 192.619(a), which addresses maximum allowable operating pressure requirements for steel or plastic pipelines. NGOT notes that, although 49 C.F.R. 192.619(a) does not address RTP, the pressure test set forth in the section can easily be achieved by RTP. NGOT further notes that it will pressure test the RTP segments in accordance with the section.

{¶ 4} 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.

{¶ 5} On March 12, 2018, Staff filed a report in response to NGOT's application. Following its review, Staff notes that it is satisfied that the piping that NGOT proposes to use is able to maintain structural integrity under temperature and other environmental conditions that may be anticipated and that it is chemically compatible with any gas or other material that may be transported in the pipeline. Staff adds that the design pressure rating formula for the piping was developed using a credible industry standard and that the design formula proposed for use by NGOT is appropriate. Staff recommends that the waiver be granted, subject to the following conditions:

- (a) NGOT must provide certifications or other documentation that all construction personnel involved during all phases of installation and inspection of the Specialty RTP piping are trained on a qualified joining and installation procedure approved by the manufacturer. This documentation must be provided to Staff prior to pipeline installation.
- (b) NGOT must provide documentation that, when piping segments are installed by insertion of the RTP inside the existing six-inch steel line, a minimum of 50 feet of the Specialty RTP piping will be pulled beyond its final destination for visual inspection. If any compromising damage occurred during the pulling process, the records must indicate the cause of damage and how it was addressed to the satisfaction of both NGOT and the piping manufacturer to ensure its future operation is not compromised. This documentation must be provided prior to placing the pipeline into operation.
- (c) NGOT must follow the hydrostatic test plan provided with its waiver application with the exception that the test duration must be for a minimum of 24 hours, to allow for more time for the composite layers to settle.
- (d) Protection against corrosion must be provided for metallic couplings and flanges used in the joining of pipeline segments. Protection must include an external protective coating that meets the requirements of 49 C.F.R. 192.461, or meet the exemption for electrically isolated metal alloy fittings provided in 49 C.F.R. 192.455(f). Protection must also

include a cathodic protection system that may consist of sacrificial anodes or any other system that complies with Subpart I of 49 C.F.R. Part 192.

- (e) NGOT must follow its existing integrity management plans and procedures applicable to transmission lines, modifying as needed for the waiver, to detect and manage leaks. The plans and procedures must also include provisions that address the integrity reassessment and/or re-inspection of the pipe at appropriate intervals based on design life calculations, but not to exceed 15 years, to ensure there have been no adverse effects to the pipe's integrity and its composite layers that may have occurred through operation of the pipe.
- (f) Any deviations from the submitted and approved installation plan, hydrostatic test plan, or joining procedures must be submitted to and approved by Staff prior to implementation.
- (g) The waiver is specifically for 49 C.F.R. 192.53(c), 49 C.F.R. 192.121, 49 C.F.R. 192.123, 49 C.F.R. 192.283(b), and 49 C.F.R. 192.619(a). All other applicable sections of 49 C.F.R. Parts 192 and 195 remain fully in effect.

{¶ 6} 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. Further, 49 U.S.C. 60118(d) requires the Commission to

provide the Secretary of the USDOT with written notice of the waiver at least 60 days before its effective date.

{¶ 7} By Entry dated March 22, 2018, the attorney examiner scheduled a hearing in this matter, consistent with the requirements of 49 U.S.C. 60118(c) and (d).

{¶ 8} The hearing was held, as scheduled, on April 12, 2018. At the hearing, NGOT stated that it has no objections to Staff's recommended conditions.

{¶ 9} Upon review of NGOT's application and the Staff Report, the Commission finds that NGOT has shown good cause for its requested waiver of 49 C.F.R. 192.53(c), 49 C.F.R. 192.121, 49 C.F.R. 192.123, 49 C.F.R. 192.283(b), and 49 C.F.R. 192.619(a). Accordingly, pursuant to 49 U.S.C. 60118(d) and Ohio Adm.Code 4901:1-16-02(E), the waiver should be granted, subject to Staff's recommended conditions. We note that NGOT's waiver request is also subject to review by the USDOT. In accordance with 49 U.S.C. 60118(d), unless USDOT objects in writing, NGOT's waiver should become effective 60 days after the date of this Entry, or upon USDOT's approval of the waiver, whichever is earlier.

### III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That NGOT's waiver request be granted, subject to Staff's conditions. It is, further,

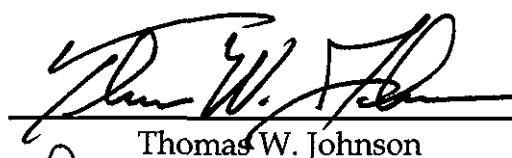
{¶ 12} ORDERED, That, unless USDOT objects in writing, the effective date of NGOT's waiver be 60 days after the date of this Entry, or upon USDOT's approval of the waiver, whichever is earlier. It is, further,

{¶ 13} ORDERED, That a copy of this Entry be served upon all parties of record and the USDOT.

## THE PUBLIC UTILITIES COMMISSION OF OHIO

  
Asim Z. Haque, Chairman  
M. Beth Trombold

Thomas W. Johnson

  
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SJP/sc

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Barcy F. McNeal

Secretary