

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

(All Comments submitted on this regulation will appear on IRRC's website)

(1) Agency:

Pennsylvania Public Utility Commission

(2) Agency Number:

Identification Number: L-2008-2034622/57-281

IRRC Number:

2887

(3) PA Code Cite: 52 Pa. Code § 59.33

(4) Short Title: Revision of 52 Pa. Code § 59.33 Pertaining to Liquid Fuels

(5) Agency Contacts (List Telephone Number and Email Address):

Primary Contact: Adam D. Young, Law Bureau (717)772-8582 adyoung@pa.gov

Secondary Contact: Robert F. Young (717) 787-4945 rfyong@pa.gov

(6) Type of Rulemaking (check applicable box):

Proposed Regulation

X Final Regulation

☐ Final Omitted Regulation

☐ Emergency Certification Regulation;

☐ Certification by the Governor

☐ Certification by the Attorney General

(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The Commission is amending its existing regulation at 52 Pa. Code § 59.33 to include new language for the regulation of liquid fuels and hazardous materials pipelines by incorporating Chapter 195 of the Code of Federal Regulations, 49 C.F.R. § 195, *et seq.*, and in accordance with the Pipeline Safety Grant Program Payment Agreement entered into with the Department of Transportation.

(8) State the statutory authority for the regulation. Include specific statutory citation.

The authority for the regulation is 66 Pa.C.S. §§ 501, 504-506, 1301 and 1501, the Commonwealth Documents Law, 45 P.S. §§ 1201, *et seq.*, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5.

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(9) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

While not mandated by federal law, the Commission has jurisdiction over hazardous liquid fuels being transported by pipeline or conduit for the public for compensation. The Commission, however, has no existing regulations for enforcing safety violations in this regard. In accordance with the Pipeline Safety Grant Program Payment Agreement entered into with the Department of Transportation, the Commission will add Chapter 195 of the CFR to its existing regulation at 52 Pa. Code § 59.33.

(10) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

There are two reasons why the Commission must incorporate Chapter 195 into its existing regulations. First, the Commission already has jurisdiction over hazardous liquid fuels being transported through pipeline or conduit to the public for compensation, yet, has no regulatory platform from which to prosecute safety violations. Chapter 195 provides this platform.

Second, in order for the Commission to maintain federal funding for our natural gas pipeline safety program, it is imperative we incorporate Chapter 195 into our regulations so that the Commission can fully participate in the Hazardous Liquid Pipeline Safety Grant Program. The U.S. Department of Transportation's ("DOT") Pipeline and Hazardous Materials Safety Administration's ("PHMSA") Hazardous Liquid Pipeline Safety Grant Program supports efforts to develop and maintain state natural gas, liquefied natural gas, and hazardous liquid pipeline safety programs. The objective of the Pipeline Safety Grant Program is to develop and maintain state natural gas, liquefied natural gas, and hazardous liquid pipeline safety programs.

(11) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

N/A

(12) Describe who and how many people will be adversely affected by the regulation. How are they affected?

No person or entity will be adversely affected by the regulations. The addition to §59.33 simply gives the Commission the authority to enforce safety violations for hazardous liquid fuels utilities.

(13) List the persons, groups or entities that will be required to comply with the regulation. Approximate the number of people who will be required to comply.

There are currently only a handful of petroleum and oil pipeline utilities including utilities such as Laurel Pipe Line Co., Sunoco Pipeline, and Conoco Philips Pipe Line Co. They will not be asked to comply with any more regulations than they already do. This amendment simply gives the Commission the ability to enforce safety violations of Chapter 195 of the CFR.

(14) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Commission does not anticipate any additional costs to utilities as a result of compliance with the proposed regulation.

(15) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

N/A

(16) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

N/A

(17) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

There are no fiscal savings associated with implementation or compliance for any of the entities above.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	n/a	n/a	n/a	n/a	n/a	n/a
Local Government	n/a	n/a	n/a	n/a	n/a	n/a
State Government	n/a	n/a	n/a	n/a	n/a	n/a
Total Savings	0	0	0	0	0	0
COSTS:						
Regulated Community	0	0	0	0	0	0
Local Government	n/a	n/a	n/a	n/a	n/a	n/a
State Government	n/a	n/a	n/a	n/a	n/a	n/a
Total Costs	0	0	0	0	0	0
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(17a) Provide the past three year expenditure history for programs affected by the regulation.

N/A

Program	FY -3	FY -2	FY -1	Current FY

(18) Explain how the benefits of the regulation outweigh any cost and adverse effects.

There are no adverse effects to the proposed addition to §59.33. Adding Chapter 195 simply provides the Commission with the regulatory platform to enforce safety violations on these public utilities.

(19) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

There was no input from the public in the development and drafting of this regulation.

(20) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

N/A

(21) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No.

(22) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

The proposed regulation will put Pennsylvania in line with all the other states currently participating in the Hazardous Liquid Pipeline Safety Grant Program. It is believed that not adding Chapter 195 to our regulation will put Pennsylvania at a competitive disadvantage with other states, as the level of funding we would receive for implementing the program would be reduced.

(23) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(24) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

N/A

(25) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

None.

(26) Include a schedule for review of the regulation including:

- | | |
|---|------------------|
| A. The date by which the agency must receive public comments: | N/A |
| B. The date or dates on which public meetings or hearings will be held: | N/A |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | Late 2012 |
| D. The expected effective date of the final-form regulation: | 2013 |
| E. The date by which compliance with the final-form regulation will be required: | Upon publication |
| F. The date by which required permits, licenses or other approvals must be obtained: | N/A |

(27) Provide the schedule for continual review of the regulation.

The regulation will be reviewed as needed.

**FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU**

(Pursuant to Commonwealth Documents Law)

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DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General.

BY _____
(DEPUTY ATTORNEY GENERAL)

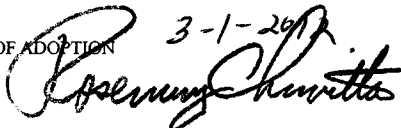
DATE OF APPROVAL

☐ Check if applicable
Copy not approved. Objections attached

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

Pennsylvania Public Utility Commission
(AGENCY)


DOCUMENT/FISCAL NOTE NO. L-2008-2034622/57-281

DATE OF ADOPTION 3-1-2012


BY _____
Rosemary Chiavetta

TITLE Secy
(SECRETARY)

Copy below is hereby approved as to form and legality. Executive or independent Agencies.

BY 
Bohdan R. Pankiw
Chief Counsel

3-1-2012
DATE OF APPROVAL

☐ Check if applicable. No Attorney General approval or objection within 30 days after submission.

L-2008-2034622/57-281
Final Rulemaking
Liquid Fuels Pipeline Regulations
52 Pa. Code, Chapter 59

The Pennsylvania Public Utility Commission on March 1, 2012, adopted a final rulemaking order which sets forth new language for regulation of liquid fuels and hazardous materials pipelines by incorporating Chapter 195 of the Code of Federal Regulations. The contact person is Adam Young, BI&E, 772-8582.

EXECUTIVE SUMMARY

L-2008-2034622/57-281

Final Rulemaking

Regarding Liquid Fuels

Pipeline Regulations

52 Pa. Code §59.33

The Commission is amending its existing regulations at 52 Pa. Code § 59.33 to include new language for the regulation of liquid fuels and hazardous materials pipelines by incorporating Chapter 195 of the Code of Federal Regulations. Section 102 of the Public Utility Code, 66 Pa. C.S. § 102, defines a public utility as “Any person or corporations now or hereafter owning or operating in the Commonwealth equipment or facilities for . . . (v) Transporting or conveying natural or artificial gas, crude oil, gasoline, or petroleum products, materials for refrigeration, or oxygen or nitrogen, or other fluid substance, by pipeline or conduit, for the public for compensation.” *Id.* § 102(1)(v).

The Public Utility Commission has jurisdiction over petroleum and oil pipeline utilities, and, pursuant to Section 102(1)(v), the Commission also has jurisdiction over hazardous materials and liquid fuels transported via pipeline or conduit for the public for compensation. Yet, the Commission currently has no specific regulations in place to effectively address enforcement and safety issues. Therefore, we are amending our regulations to include regulations addressing transportation of hazardous materials and liquid fuels by pipeline or conduit as consistent with 49 C.F.R. § 195, *et seq.*, and in accordance with the Pipeline Safety Grant Program Payment Agreement entered into with the Department of Transportation.

The contact persons are Adam Young, Bureau of Investigation and Enforcement (717)787-5000, and Robert F. Young, Law Bureau (717)787-5000.

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

Public Meeting held March 1, 2012

Commissioners Present:

Robert F. Powelson, Chairman
John F. Coleman, Jr., Vice Chairman
Wayne E. Gardner
James H. Cawley
Pamela A. Witmer

Rulemaking Re Liquid Fuels Pipeline Regulations

Docket No. L-2008-2034622

FINAL RULEMAKING ORDER

BY THE COMMISSION:

By Order entered July 16, 2010, at the above-captioned docket, this Commission issued a proposed rulemaking to amend its existing regulations at 52 Pa. Code § 59.33 to include new language for the regulation of liquid fuels and hazardous materials pipelines by incorporating Chapter 195 of the Code of Federal Regulations. The proposed rulemaking and the notice requesting comments from interested parties were published February 26, 2011 in the *Pennsylvania Bulletin*, at 41 *Pa.B.* 1021. The Commission received comments from the Independent Regulatory Review Commission (IRRC). This order addresses the comments received and sets forth a final rulemaking amending our regulations at 52 Pa. Code § 59.33.

A. Background and Procedural History

Section 102 of the Public Utility Code, 66 Pa. C.S. § 102, defines a public utility as “Any person or corporations now or hereafter owning or operating in the

Commonwealth equipment or facilities for . . . (v) Transporting or conveying natural or artificial gas, crude oil, gasoline, or petroleum products, materials for refrigeration, or oxygen or nitrogen, or other fluid substance, by pipeline or conduit, for the public for compensation.” *Id.* § 102(1)(v).

Currently, Pennsylvania exercises jurisdiction over petroleum and oil pipeline utilities including utilities such as Laurel Pipe Line Co., Sunoco Pipeline, and Conoco Philips Pipe Line Co. Pursuant to Section 102(1)(v), the Commission also has jurisdiction over hazardous materials and liquid fuels transported via pipeline or conduit for the public for compensation, yet currently has no specific regulations in place to effectively address enforcement and safety issues. Therefore, we are proposing to amend our regulations to include regulations addressing transportation of hazardous materials and liquid fuels by pipeline or conduit as consistent with 49 C.F.R. § 195, *et seq.*, and in accordance with the Pipeline Safety Grant Program Payment Agreement entered into with the Department of Transportation.

B. Comments

Based on criteria in Section 5.2 of the Regulatory Review Act, 71 P.S. § 745.5(b), IRRC filed comments to our proposed rulemaking raising three issues. First, IRRC asks what “hazardous liquid public utilities” are, and requests that the term be defined in the final-form regulation.

Section 195.2 of the Code of Federal Regulations, 49 CFR § 195.2, defines the term “hazardous liquid” as “petroleum, petroleum products, or anhydrous ammonia.” Section 102 of the Public Utility Code, 66 Pa. C.S. § 102, defines a public utility as, among other things, “Any person or corporation now or hereafter owning or operating in this Commonwealth equipment or facilities for transporting or conveying . . . crude oil, gasoline, or petroleum products . . . by pipeline or conduit, for the public for

compensation.” We agree with IRRC that a definition of “hazardous liquid public utility” should be included in the final-form regulation, and will add a definition incorporating language from both §195.2 of the CFR, and §102 of the Public Utility Code.

The second issue raised by IRRC is that proposed subsection (b) references “future federal amendments to 49 CFR Parts 190-195, 198 and 199....” IRRC points out that Section 1.6 of the *Pa. Code & Bulletin Style Manual* provides, “If an agency wishes to incorporate subsequent amendments [of a code or regulation] the agency must explicitly do so by amendment of its existing rules....” IRRC suggests that the final-form rulemaking either delete the new language pertaining to future federal amendments or provide a justification for retaining it.

There are two reasons why the Commission must incorporate future federal amendments to the enumerated provisions of the CFR. First, the existing regulation at 52 Pa. Code § 59.33 already incorporates all future federal amendments to the provisions of the CFR listed, namely Parts 191-193, and 199. The final-form rulemaking adds only Part 195 to that list. The final-form rulemaking language will be as follows:

The minimum safety standards for all [gas transmission and distribution facilities] natural gas and hazardous liquid public utilities in this Commonwealth shall be those issued under the pipeline safety laws as found in 49 U.S.C.A. §§ 60101—60503 and as implemented at 49 CFR Parts [191—193], ~~190-195, 198~~ 191-193, 195 and 199, including all subsequent amendments thereto [future]. ~~Future~~ Federal amendments to 49 CFR Parts [191—193], ~~190-195, 198~~ 191-193, 195 and 199, as amended or modified by the Federal government, shall have the effect of amending or modifying the Commission's regulations with regard to the minimum safety standards for all [gas transmission and distribution facilities] natural gas and hazardous liquid public utilities. The amendment or modification shall take effect 60 days after the effective date of the Federal amendment or modification, unless the Commission publishes a notice in the *Pennsylvania Bulletin* stating that the amendment or modification may not take effect.

Therefore, we are adding no new language to § 59.33 regarding future federal amendments.

The second, and more important, reason relates to maintaining federal funding for our natural gas pipeline safety program. In particular, it is imperative we maintain the current language regarding future federal amendments, so that the Commission can adequately participate in the Hazardous Liquid Pipeline Safety Grant Program. Section 511.1 of the Public Utility Code, 66 Pa. C.S. § 511.1, authorizes the Commission to apply for and use federal funds pursuant to the National Energy Act, which is composed of, among other Acts, any future Federal legislation providing special funds for gas safety programs. The U.S. Department of Transportation's ("DOT") Pipeline and Hazardous Materials Safety Administration's ("PHMSA") Hazardous Liquid Pipeline Safety Grant Program supports efforts to develop and maintain state natural gas, liquefied natural gas, and hazardous liquid pipeline safety programs.¹ The objective of the Pipeline Safety Grant Program is to develop and maintain state natural gas, liquefied natural gas, and hazardous liquid pipeline safety programs.

The Pipeline Safety Grant Program is a 100% performance-based program with the performance criteria of 100 points. Eligible programs will cover such areas as inspection and testing of gas pipelines as well as related travel, training, and research. Funds must be expended for personnel, equipment, and activities reasonably required for the pipeline safety program. DOT provides federal matching funds, up to 50 percent to any state agency with a certificate under Section 60105 of Title 49, United States Code, an agreement under Section 60106 of Title 49, United States Code, or to any state acting as a DOT agent on interstate pipelines.

¹ Authorized by the Natural Gas Pipeline Safety Act of 1968, Public Law 90-481, 49 U.S.C. 1971, as amended; Public Law 92-401, 86 Stat. 616; Public Law 93-403, 88 Stat. 802; Public Law 94-477, 90 Stat. 2073; Pipeline Safety Act of 1979, Title I and Title II, Public Law 96-129, 93 Stat. 989; Pipeline Safety Reauthorization Act of 1988, Public Law 100- 561; Pipeline Safety Act of 1992, Public Law 102-508; 49 U.S.C. 601; Public Law 103-272; Accountable Pipeline Safety and Partnership Act of 1996, Public Law 104-304.

Funding to the states is allocated by a method designed to reflect the degree to which a state has met specific levels of performance, based on information provided in certification packages and the results of DOT's Regional Office program evaluation. The allocation is determined by assigning point values to the states for having achieved certain levels of program participation, dividing this point score by the sum of the states' point scores, and multiplying this ratio by the amount available for the distribution. PHMSA distributes the remaining funds according to certain criteria designed to seek improvements in various state programs.

The criteria used by PHMSA is the extent of intrastate jurisdiction, inspector qualifications, recommended number of inspection person-days, state adoption of applicable Federal regulations, and other relevant criteria. New state programs, such as Pennsylvania's, are automatically funded at a minimum score of 90 for the first three years (assuming the state is making satisfactory progress in meeting certification requirements), thereby providing an adequate cushion for these state programs to get established.

Therefore, it is imperative that we retain the language incorporating future federal amendments so that we may keep step with any changes in the federal regulations. Doing so ensures that we will receive the funding necessary for the Commission to carry out the requirements of the Pipeline Safety Grant Program. It is in participation of this program that we are modifying our existing regulation to add Chapter 195, as an applicable federal regulation, in order to meet the requirements for federal funding. And, likewise, staying consistent with future federal amendments to these CFR provisions in a timely manner ensures we will continue to meet these necessary requirements.

Finally, IRRC raises the issue that the existing subsection references 49 CFR Parts 191-193, and 199, while the proposed regulation replaces these references with 49

CFR parts 190-195, 198, and 199. IRRC states that it is unclear why these changes have been made, and asks for further clarification. The final-form rulemaking will differ from the proposed rulemaking in that we intend to modify 52 Pa. Code § 59.33 so that only 49 CFR Part 195 is added to the current regulation.

CONCLUSION

Since the Gas Service Regulations at 52 Pa. Code § 59 and the Federal Code Regulations on the Transportation of Hazardous Liquids by Pipeline at 49 CFR § 195 are already used in the regulation of natural gas and hazardous liquid pipelines respectively, we propose to amend 52 Pa. Code § 59.33 to include hazardous liquid pipelines, and specifically reference 49 CFR § 195 and future amendments thereto.

Accordingly, under sections 501 and 1501 of the Public Utility Code (66 Pa. C.S. §§ 501 and 1501); sections 201 and 202 of the act of July 31, 1968 (P. L. 769 No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231--7.235, we find that the regulation as set forth in Annex A should be approved; **THEREFORE,**

IT IS ORDERED:

1. That the Secretary shall serve a copy of this Order and Annex A on all jurisdictional natural gas distribution companies, the Office of Consumer Advocate, the Office of Small Business Advocate and all other parties that filed comments at Docket No. L-2008-2069114.
2. That the Secretary shall certify this order and Annex A and deposit them

with the Legislative Bureau for publication in the *Pennsylvania Bulletin*.

3. That the Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.

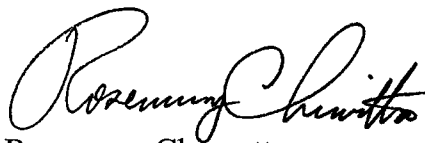
4. That the Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.

5. That the Secretary shall submit this order and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review and approval by the Independent Regulatory Review Commission.

6. That the final regulations become effective upon publication in the *Pennsylvania Bulletin*.

7. That the contact person for this rulemaking is Adam D. Young, Assistant Counsel, Law Bureau, (717)-772-8582. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, 717-772-4579.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta,
Secretary

(SEAL)

ORDER ADOPTED: March 1, 2012

ORDER ENTERED: March 1, 2012

Annex A
TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart C. FIXED SERVICE UTILITIES
CHAPTER 59. GAS SERVICE
SERVICE AND FACILITIES

§ 59.33. Safety.

(a) *Responsibility.* Each public utility shall at all times use every reasonable effort to properly warn and protect the public from danger, and shall exercise reasonable care to reduce the hazards to which [employees] employees, customers and others may be subjected to by reason of its equipment and facilities.

(b) *Safety code.* The minimum safety standards for all [gas transmission and distribution facilities] natural gas and hazardous liquid public utilities in this Commonwealth shall be those issued under the pipeline safety laws as found in 49 U.S.C.A. §§ 60101—60503 and as implemented at 49 CFR Parts [191—193], 190-195, 198 191-193, 195 and 199, including all subsequent amendments thereto [future]. Future Federal amendments to 49 CFR Parts [191—193], 190-195, 198 191-193, 195 and 199, as amended or modified by the Federal government, shall have the effect of amending or modifying the Commission's regulations with regard to the minimum safety standards for all [gas transmission and distribution facilities] natural gas and hazardous liquid public utilities. The amendment or modification shall take effect 60 days after the effective date of the Federal amendment or modification, unless the Commission publishes a notice in the *Pennsylvania Bulletin* stating that the amendment or modification may not take effect.

(c) *DEFINITION.* FOR THE PURPOSES OF THIS SECTION, THE TERM “HAZARDOUS LIQUID PUBLIC UTILITY” SHALL MEAN ANY PERSON OR CORPORATION NOW OR HEREAFTER OWNING OR OPERATING IN THIS COMMONWEALTH EQUIPMENT OR FACILITIES FOR TRANSPORTING OR CONVEYING CRUDE OIL, GASOLINE, PETROLEUM OR PETROLEUM PRODUCTS, BY PIPELINE OR CONDUIT, FOR THE PUBLIC FOR COMPENSATION.

(D) * * *

~~(d)~~ (E) * * *



COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PA 17120

ROBERT F. POWELSON
CHAIRMAN

May 31, 2012

The Honorable Silvan B. Lutkewitte, III, Chairman
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, PA 17101

**Re: L-2008-2034622/57-28, Final Rulemaking
Liquid Fuels Pipeline Regulations
52 Pa. Code, Chapter 59**

Dear Chairman Lutkewitte:

Enclosed please find one (1) copy of the regulatory documents concerning the above-captioned rulemaking. Under Section 745.5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15) the Commission, on February 10, 2011, submitted a copy of the Notice of Proposed Rulemaking to the House Consumer Affairs Committee, the Senate Consumer Protection and Professional Licensure Committee and the Independent Regulatory Review Commission (IRRC). This notice was published at 41 *Pa.B.* 1020 on February 26, 2011. No public comments were received to this rulemaking.

In preparing this final form rulemaking, the Commission has considered all comments received from the Committees, IRRC and the public.

Sincerely,

Robert F. Powelson
Chairman

Enclosures

pc: The Honorable Robert M. Tomlinson
The Honorable Lisa Boscola
The Honorable Robert Godshall
The Honorable Joseph Preston, Jr.
Legislative Affairs Director Perry
Chief Counsel Pankiw
Assistant Counsel Young
Regulatory Coordinator DelBiondo
Commissioner Witmer

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

ID Number: L-2008-2034622

Subject: Final Rulemaking Re Liquid Fuels Pipeline
Regulations

Pennsylvania Public Utility Commission

2012 MAY 31 AM 11:34

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IRRC

TYPE OF REGULATION

- ☐ Proposed Regulation
- ☐ Final Regulation with Notice of Proposed Rulemaking
Omitted.
- ☒ Final Regulation
- ☐ 120-day Emergency Certification of the Attorney
General
- ☐ 120-day Emergency Certification of the Governor

FILING OF REPORT

<u>Date</u>	<u>Signature</u>	<u>Designation</u>
5/31/12	S. Stuppert	HOUSE COMMITTEE (Godshall) Consumer Affairs
5/31/12	James	SENATE COMMITTEE (Tomlinson) Consumer Protection and Professional Licensure
5/31/12	K. Cooper	Independent Regulatory Review Commission
		Attorney General
		Legislative Reference Bureau