# Comments of the Independent Regulatory Review Commission


## Pennsylvania Public Utility Commission Regulation #57-277 (IRRC #2950)

## Meter Location

## August 15, 2012

We submit for your consideration the following comments on the proposed rulemaking published in the June 16, 2012 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

1. **General comments regarding: Determining whether the regulation is in the public interest; Economic or fiscal impacts; Protection of the public health, safety and welfare; Possible conflict with or duplication of statutes or existing regulations; Need for the regulation; Implementation procedures.**

*Possible conflict with or duplication of statutes or existing regulations*

The PUC's existing regulation states:

> **§ 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 employes, customers and others may be subjected to reason of its equipment and facilities.
>
> (b) *Safety code.* The minimum safety standards for all gas transmission and distribution facilities 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 and 199, including all subsequent amendments thereto future Federal amendments to 49 CFR Parts 191—193 and 199, as amended or modified by the Federal government, shall have the effect of amending or modifying the [PUC's] regulations with regard to the minimum safety standards for all gas transmission and distribution facilities. The amendment or modification shall take effect 60 days after the effective date of the Federal amendment or modification, unless the [PUC] publishes a notice in the *Pennsylvania Bulletin* stating that the amendment or modification may not take effect.

(c) *Enforcement.* Each public utility shall be subject to inspections as may be necessary to assure compliance with this section. The facilities, books and records of each public utility shall be accessible to the [PUC] and its staff for the inspections. Each public utility shall provide the [PUC] or its staff the reports, supplemental data and information as it shall from time to time request in the administration and enforcement of this section.

(d) *Records.* Each public utility shall keep adequate records as required for compliance with the code in subsection (b). The records shall be accessible to the [PUC] and its staff.

In its Preamble, the PUC states that ". . . it is noteworthy, that **the [PUC's] only regulation** governing gas meter location reads: 52 Pa. Code 59.18. *Location of meters . . .*" (Emphasis added.) However, the Preamble goes on to quote 49 CFR 192.353 – *Customer meters and regulators: Location* which the PUC adopted under existing Section 59.33(b). Accordingly, Section 59.18 is not the only regulation governing gas meter and regulator location. In its existing regulation, the PUC established in Section 59.33 that the Code of Federal Regulations (CFR) and its subsequent amendments effectively supersede the PUC's regulations, in that amendments to the CFR "shall have the effect of amending or modifying the [PUC's] regulations," and the CFR addresses meter and regulator location.

Among the criteria the Independent Regulatory Review Commission (IRRC) must consider in determining whether a regulation is in the public interest is the criterion of "possible conflict with or duplication of statutes or existing regulations." 71 P.S. § 745.5b(b)(3)(i). We find that, if adopted as proposed, this regulation would substantially duplicate the PUC's existing regulation at Section 59.33(b) and further, would possibly conflict with the CFR which the PUC adopted by regulation. Furthermore, under Section 59.33(b), amendment to the CFR ". . . shall have the effect of amending or modifying the [PUC's] regulations . . ." This provision raises the possibility of conflict between the proposed Section 59.18 and the existing Section 59.33(b).

We strongly recommend that the PUC review the entirety of its existing regulations in conjunction with the adopted CFRs prior to submitting a final regulation and provide a detailed explanation demonstrating that the final regulation does not duplicate or conflict with existing regulations. If the final regulation contains similar provisions found in the CFRs, the PUC should explain why the proposed amendment is needed, viable and not duplicative. If the final regulation does not contain similar provisions found in the CFRs, the PUC should explain how these mandates support the PUC's stated intent to make Pennsylvania's regulations consistent with federal regulations. The PUC should also explain how these mandates reconcile with the PUC's statement that "the proposed amended language imposes no additional regulatory requirements upon natural gas distribution companies (NGDCs) that these utilities are not already subject to under the federal regulations."

*Protection of the public health, safety and welfare*

The PUC's Preamble states:

[A]s much of Pennsylvania's natural gas infrastructure is aging and a number of gas utilities are in the process of embarking on significant infrastructure

replacement initiatives, it is an opportune time to assess the meter relocation policy to enable gas utilities to more efficiently address this issue in the context of these programs and to ensure safe and reliable service.

The PUC identifies several safety problems in the Preamble, including:

- Gas distribution utilities reported more than 4,000 leaks occurring on inside meter sets over a five-year period.
- There have been 65 reportable incidents over the past 40 years.
- Several of the utilities reported that they could not comply with the leak survey requirements when the meter and regulator are inside a building, which prevents access. This is troubling for the PUC because the state and federal regulations require leak surveys up to the meter. The PUC states that by not having access to the meter sets, NGDCs cannot comply with the state and federal regulations and cannot detect inside leaks.
- The state has experienced several gas explosions related to steel service lines being struck and pulled up from their stable position and subsequently pulling the service line from the inside meter set. According to the PUC, plastic service lines with inside meter sets do not pull away since the excavation equipment usually severs the line immediately after being struck. The PUC states that the combination of steel service lines and inside meter sets is a high-risk factor for natural gas incidents.
- The Pennsylvania natural gas industry has approximately 27 percent of all meter sets located inside of residential dwellings. The PUC states that this average has been consistent over the last five years.

According to the PUC, these safety issues need to be resolved so that the public is provided with safe and reliable service; however, the proposed regulation seems to address only a portion of the identified safety concerns. The proposed regulation includes only meter and regulator location; the proposed regulation does not address several of the other safety concerns identified by the PUC. Specifically, while the proposed regulation still allows inside meters, it does not address:

- Access to inside meters so that gas companies can comply with state and federal regulations that require leak surveys up to the meter. It appears that regulations may be needed for coordination of access between customers with inside meters and the gas utilities so that the required safety testing can be accomplished.
- Plastic service lines which the PUC implies may be safer than steel based on the statement that the combination of steel service line and inside meter set is a high-risk factor for natural gas incidents.
- The use of excess flow valves as a safety device.

The PUC should either revise the final regulation to address these other safety concerns, or explain why the regulation does not address these other safety concerns identified by the PUC.

*Determining whether the regulation is in the public interest; Economic or fiscal impacts; Implementation procedures*

Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) directs IRRC to determine whether a regulation is in the public interest. When making this determination, IRRC considers criteria including economic impact and implementation procedures. To make that determination, IRRC must analyze the PUC's existing regulations, the text of the Preamble, the proposed regulation and the reasons for the new or amended language. IRRC also considers the information a promulgating agency is required to provide under Section 5 of the Regulatory Review Act (71 P.S. § 745.5(a)) in the Regulatory Analysis Form (RAF). Several statements in the Preamble and RAF need to be explained further, reconciled or amended. We offer the following:

- The PUC states in its response to RAF questions 10 and 21 that the proposed regulation amends existing regulations to be "consistent with the federal regulations that the [PUC] has already adopted." However, in comparing the amended language to the adopted federal regulations, commentators stated that the proposed regulation establishes some rules that have no counterpart in the federal regulations, such as § 59.18 (a)(1)-(2), which contradicts the PUC's stated intent.
- The PUC states in the Preamble that "the [PUC] has adopted provisions of the [CFR], which address the safety issues related to meter set location and installation and thus are **in conflict** with the existing Pennsylvania regulations." (Emphasis added.) In response to RAF question 10, the PUC does not support this statement by explaining which provisions of state and federal provisions are inconsistent, or how the PUC's regulations could conflict, given Section 59.33 of the PUC's regulations.
- We question the PUC's responses in the RAF to questions 12 and 17 regarding adverse effects and the fiscal impact of the rulemaking. The PUC states that "no person or entity will be adversely affected by the regulations." The PUC further states, "The costs associated . . . are not costs in addition to already budgeted projects." However, public commentators stated that several of the proposed mandates may lead to increased costs due to the elimination of NGDCs flexibility and discretion. We also received numerous comments from preservation/neighborhood associations and individual homeowners commenting that the proposed regulation would fail to sufficiently protect historic resources and neighborhoods from adverse effects caused by inappropriate meter installations. The PUC should ensure that its responses in the final regulation's RAF adequately address who and how many people—including homeowners—will be adversely affected by the additional regulatory requirements, as well as the economic or fiscal impact of these mandates.
- In the Preamble, the PUC states, "There are several alternatives . . . to relocating and replacement of inside meter sets and steel service lines. One alternative is to retrofit existing service lines with Excess Flow Valves." Again in the Preamble, the PUC states, "The proposed amended language also provides for alternatives to relocating inside meter sets outside. These alternatives include installation of an Excess Flow Valve . . ." However, we do not see excess flow valves offered in the proposed regulatory language as an alternative to meter set relocation. We also note that when asked, in question 20 of the RAF, what alternative regulatory provisions have been considered, the PUC

responded that this question was not applicable. If the PUC chooses to proceed with the rulemaking, the PUC should make appropriate revisions in the final regulation and/or its applicable responses to the RAF to address excess flow valves as alternatives to relocating inside meter sets outside.

- The PUC states in the Preamble that "the proposed amended language imposes no additional regulatory requirements upon NGDCs that these utilities are not already subject to under federal regulations." However, based on public comment, the proposed regulation does create additional regulatory requirements that exceed federal requirements and removes the NGDC's use of discretion.

These inconsistencies and contradictions make it difficult to determine the PUC's intent, and raise questions as to whether the regulation is in the public interest. We recommend that the PUC review and revise its Preamble and responses in the RAF prior to submitting a final regulation in order to clearly establish and support this rulemaking's intent.

*Need for the regulation*

In the PUC's statement of need in response to RAF question 10, the PUC states it "is concerned about the number of reportable incidents resulting, **at least partially**, from locating meters and regulators inside structures." (Emphasis added.) In support of the proposed regulation, the PUC provides statistics showing that the NGDCs' reportable incident rate has averaged about two incidents per year over a 40-year period. While we support the PUC's efforts to increase public safety, the PUC's explanations have not established a direct link between reportable incidents and leaks at inside meters. For example, were all of the reportable incidents caused by leaks at inside meters, or could some of the reportable incidents have resulted from a leak in the service line *outside* of the house (i.e., the leak was outside but the gas entered the basement, leading to the incident)? Without establishing these direct links, it cannot be determined whether the regulation adequately addresses past safety concerns. Before substantial investments are made by the utilities, the PUC should explain and support how the amendments will directly address the reportable incidents and will avoid future reportable incidents.

*Process to reach consensus*

We are very concerned by the PUC's response to RAF question 19, which states that "there was no input from the public in the development and drafting of this regulation." We received numerous public comments from a broad spectrum of entities affected by the proposed regulation including legislators, gas utilities, homeowners and historic preservation organizations. These commentators raise many valid concerns that it appears the PUC had not considered prior to submitting the proposed regulation. Why didn't the PUC convene a stakeholders group prior to developing this proposed regulation?

Based on issues raised in public comments and by the Pennsylvania Historical and Museum Commission (PHMC), we question whether the PUC has adequately considered the proposed regulation's impact on homeowners and communities with historic character, an asset which these communities consider to be an essential component of their community. Did the PUC take into consideration that municipalities may have long-standing local preservation programs often

supported by ordinances to ensure that the historic characteristics of their communities are maintained?

We also received substantive comments from gas utilities, including the following:

- The proposed regulation will impose additional requirements beyond the CFR previously adopted by the PUC.
- The modifications eliminate utility discretion and flexibility without articulating a basis for the mandates and without consideration of the limited situations where the proposed requirements would be impractical and result in increased costs.
- The exceptions for historic districts and high-risk vandalism districts are not sufficiently clear.
- The proposed revision to require all inside regulators connected to steel service lines to be relocated to the outside by December 31, 2020, is contrary to the stated intent of the [PUC] to provide ten years to accomplish relocation and, moreover, is an arbitrary deadline.
- Contrary to the PUC's statements, the proposed regulation does not implement provisions for excess flow valves.
- There are also concerns with the details of cost allocations when a meter was originally installed by the utility in a safe location, but the customer created the need to relocate the meter by an action such as remodeling a basement in a way that the meter no longer meets safety requirements.

The PUC should explain in the Preamble how the final regulation takes into consideration the impact of the location of meters and regulators on NGDCs, homeowners, communities, Pennsylvania's historic resources and local preservation programs.

For the above reasons, we recommend that the PUC withdraw this regulation. If the PUC does not withdraw the regulation, we recommend that it conduct stakeholder meetings with gas utilities and commentators, including those with knowledge of ordinances regulating historic properties. Based on this input, the PUC can develop safety requirements for the appropriate placement of gas meter sets which afford NGDCs discretion and flexibility while maximizing protection of both the public and Pennsylvania's historic properties. Additionally, we strongly recommend that the PUC publish an advance notice of final rulemaking to allow the public and standing committees the opportunity to review any revisions that the PUC makes to the regulatory language before submittal of a final-form regulation. We also recommend that the PUC consider the following specific comments in development of a final regulation.

**2. Section 59.18 (a)(1). – Economic or fiscal impacts; Reasonableness of requirements; Clarity and lack of ambiguity; Implementation procedures.**

This provision requires that "**[w]hen practical**, a building may not have more than one service line. The service line **must** terminate in the building in which the service line enters." (Emphasis added.) We have two concerns.

The first sentence is ambiguous and the phrase "when practical" is subjective. For example, would this determination be based on physical circumstances or cost considerations, and what are the limits of these considerations? The regulation should specify the circumstances that would allow for an exception to this requirement.

The second sentence appears to be a separate requirement from the first sentence. If these requirements are retained, it would be clearer to state them as two separate requirements.

**3. Section 59.18 (a)(3). – Clarity; Reasonableness of requirements; Implementation procedures.**

This provision states, "An outside, aboveground meter location must be used when availability of space and other conditions permit." Commentators raise concerns regarding who makes this determination and by what standard. It is not clear what meets the standard of "availability of space" or what "other conditions" must be considered. Also, should a property owner have the opportunity to participate in selecting or disputing an alternative location determined by the gas utility based on the homeowner's experience in the residence and neighborhood? The final regulation should clarify these issues.

**4. Section 59.18 (a)(4). – Clarity; Reasonableness of requirements; Implementation procedures.**

This provision requires that an NGDC consider a specific list of "potential damage by outside forces" when selecting a meter or service regulator location. We have five concerns.

First, Paragraph (4) is vague. It would appear that in virtually every threat identified under Paragraph (4) there is a "potential" for damage. The regulation is not clear regarding what due diligence on the part of the utility would meet the standard to "consider potential damage." The PUC should specify how an NGDC would meet the requirements of this provision.

Second, under Subparagraph (4)(i), commentators have provided photographs and news articles demonstrating how meters in front of houses could be damaged by vehicles. Some commentators state that meters may be safer in basements than in front of a house where they could be hit by a vehicle. How is the utility to evaluate these circumstances?

Third, under Subparagraph (4)(ii), how can a utility determine when "construction equipment" might present potential for damage? "Construction equipment" is vague because this phrase could be interpreted to include anything from multi-ton equipment used to pave roads to a ladder. If a utility must consider potential damage from "construction equipment," the regulation should define "construction equipment" and specify how to evaluate this threat.

Fourth, under Subparagraph (4)(iii), the utility must consider potential damage by tools or other materials which could be placed on the meter. What location would meet both Subparagraph (4)(iii) and Paragraph (7), which requires the location to accommodate access for activities including repairs and testing? We ask the PUC to either delete this provision or explain what

meter location would *not* have the potential for tools or "other material" to be placed on the meter, and still would meet the other requirements in the regulation.

Fifth, under Subparagraph (4)(iv), it may be possible to evaluate the potential for packed snow or ice to fall from a roof. However, this provision is vague because it does not state what other "falling objects" the utility must consider. The final regulation should specify how to evaluate this threat.

**5. Section 59.18 (a)(5). – Clarity; Reasonableness of requirements.**

This provision states, "When potential damage is evident, the meter or service regulator shall be protected or an alternative location selected." We have several concerns. First, how can *potential* damage be evident? This language should be clarified. Also, it is not clear what standard is set by "potential damage is evident" and who would make this determination. Finally, how would the PUC enforce this provision?

**6. Section 59.18 (a)(6). – Clarity; Reasonableness of requirements.**

Regarding the second sentence, it is not clear what standard is set by requiring a utility to "consider the potential" for shorting out the insulating fitting when choosing a location. This provision should be rewritten to improve clarity.

**7. Section 59.18 (a)(7). – Protection of the public health, safety and welfare; Clarity.**

The PUC states in the Preamble that state and federal gas safety regulations require gas utilities to perform leak surveys over service lines periodically; however, several utilities reported that they could not comply with the leak survey requirements when the meter and regulator are inside a building, which prevents access. This provision requires that "[t]he meter location must accommodate access for meter reading, inspection, repairs, testing, changing and operation of the gas shut-off valve." One commentator suggests clarifying that the customer shall provide the utility access, at all reasonable times, to the meter or regulator for purposes of performing the functions set forth in this provision. We agree that the regulation should address the coordination of access to inside meters between the gas utility and the customer so that safety testing can be accomplished.

**8. Section 59.18 (a)(8). – Economic or fiscal impacts; Reasonableness of requirements; Implementation procedures.**

This provision requires that "[t]he meter location **must** accommodate the installation of the service line in a straight line perpendicular to the main." (Emphasis added.) In addition to the safety limitations of Paragraph (9), a utility must also work with the reality of a site location which may include natural obstacles such as underground rock, trees, other underground installations at the location such as electric, telephone, water, sewers, cable, storm drains, along with sidewalks and other characteristics of the house. There may also be circumstances where the geometry of the gas main and the property do not permit a straight, perpendicular placement of the service line from the main without crossing other property lines. The PUC should delete

this mandate or explain why it is needed, why it is reasonable, what costs it imposes and why those costs are justifiable.

**9. Section 59.18 (a)(9)(i) to (iv). – Economic or fiscal impacts; Clarity; Reasonableness of requirements; Implementation procedures.**

These provisions state where meters and service regulators may not be installed. We have four concerns.

First, Subparagraph (9)(i) mandates that meters and service regulators may not be installed "[d]irectly beneath or in front of windows or other building openings which may be used as emergency fire exits." While we recognize the safety aspects of these provisions, it would appear that nearly every window, including those on a second floor, could arguably be used as emergency fire exits. The PUC should explain how this provision can be applied reasonably to most circumstances.

Second, given the other restrictions of Paragraph (9), is it reasonable in Subparagraph (9)(ii) to prohibit the placement of a meter under an outside stairway in all circumstances? Given the other restrictions of Paragraph (9), the PUC should consider revising the provision to provide NGDCs discretion and flexibility.

Third, Subparagraph (9)(iii) is vague because it eliminates a crawl space "with limited clearance." This provision should be rewritten to clearly state what crawl spaces may not be used.

Finally, Subparagraph (9)(iv) requires that meters and service regulators may not be installed "[n]ear building air intakes." The term "near" is vague. The PUC should revise the provision to set a clear standard for this limitation.

**10. Section 59.18 (a)(10). – Economic or fiscal impacts; Reasonableness of requirements; Implementation procedures.**

This provision requires that "[w]hen the Commission or a utility determines that a meter or regulator shall be moved for safety reasons, the costs associated with the relocation of the meter or regulator shall be borne by the utility. When a utility moves a meter in addition to the regulator, under this section, the cost of extending customer-owned facilities to the new meter location **shall be borne by the utility**." (Emphasis added.) How does the PUC intend for utilities to notify customers and discuss any options that may be available to them when the determination has been made to move a meter or regulator? The PUC should clarify how it intends for NGDCs to implement notification procedures, including a timetable and available alternatives.

Additionally, a commentator raised concerns about situations where the work crews and/or contractors are demobilized for a project but the customer or property owner refuses the utility access to their premises to perform meter relocation work or otherwise hinders the utility in the relocation of equipment. Another commentator questioned whether NGDCs should bear the cost

of a relocation that is necessitated by a customer's action which has created or contributed to a safety issue. The PUC should consider revising the provision to address these circumstances.

**11. Section 59.18 (b). – Clarity.**

The provision states that "[o]utside meters or service regulators shall be installed in the following **locations**." (Emphasis added.) This requirement is followed by seven paragraphs specifying locations. We have two clarity concerns. First, as written, NGDCs would need to locate meters or service regulators in **all seven** of the listed "locations." Second, Paragraphs (3) through (7) are not "locations;" they are safety considerations. The PUC should revise and clarify Subsection (b).

**12. Section 59.18 (b)(1). – Economic or fiscal impacts; Clarity; Reasonableness of requirements.**

This provision provides for the location of outside meters or service regulators "[a]boveground in a protected location adjacent to the building served." We have two concerns.

First, a commentator raises the question as to whether this provision conflicts with 52 Pa. Code § 59.31 (d), which requires meters for services off of production and transmission lines to be located as closely as possible to the point where the main line is tapped rather than adjacent to the building being served. The PUC should reconcile these provisions.

Second, commentators raise concerns as to what defines a "protected location?" The PUC should define or clarify this phrase.

**13. Section 59.18 (b)(2). – Clarity.**

This provision provides for the location of outside meters or service regulators "[i]n a properly designed buried vault or meter box." A commentator raises the question as to what standards determine a "properly designed" buried vault or meter box. The PUC should clarify this provision or delete the phrase "properly designed."

**14. Section 59.18 (b)(2)(i). – Economic or fiscal impacts; Need; Reasonableness of requirements; Implementation procedures.**

This provision requires that "[t]he vault or meter box must be located on a customer's property, either adjacent to the building served or near the gas main." The PUC should explain the need for this provision and how it is reasonable.

**15. Section 59.18 (b)(3). – Protection of the public health, safety and welfare; Clarity; Reasonableness of requirements.**

This provision requires that NGDCs consider "proper design and location criteria for a meter box." Without specification in the regulation as to what is considered "proper design and location criteria for a meter box," all of Paragraph (3) is rendered vague. In Subparagraph

(3)(iii), what is the standard for the considering "potential for soil accumulation?" Also, how is Subparagraph (3)(vii) to be considered in relation to 49 CFR 192.353(c) as quoted in the Preamble? The PUC should delete Paragraph (3) or provide specific requirements in the regulation.

**16. Section 59.18 (b)(6). – Protection of the public health, safety and welfare; Clarity; Reasonableness of requirements; Implementation procedures.**

The provision states, "When a meter box is located outside a paved surface, a utility shall consider the potential for fill, topsoil or sod being placed over the vault and, when practical, choose an alternative location." The regulation is not clear regarding what due diligence on the part of the utility would meet the standard to consider the "potential" for these circumstances to occur. The PUC should specify how an NGDC would meet the requirements of this provision, including the threshold that would prompt the NGDC to choose an alternative location.

**17. Section 59.18 (b)(7). – Clarity; Reasonableness of requirements; Implementation procedures.**

This provision requires that "[a] utility shall refer to the guide material under 49 CFR 192.355 (relating to customer meters and regulators: protection from damage)." We do not see any reference to "guide material" in the federal regulation, nor does the PUC define "guide material." The PUC should either clarify this provision in the final regulation or, given that 49 CFR 192 is already adopted by reference in existing Section 59.33, delete Paragraph (7).

**18. Section 59.18 (c)(1). – Clarity; Reasonableness of requirements; Implementation procedures.**

In providing background for this provision, the Preamble states, in part, the following:

> Finally, several utilities provide service in historic districts where municipal laws require the meter set to be located inside structures. In many of these instances, the utilities are able to locate the regulator outside; however, there are instances when the utility must locate the entire meter set inside due to zoning ordinances.

The provision states:

> Inside meter locations shall be considered only when:
>
> (i) An acceptable outside location is not available due to restrictions in Federally-approved historic districts or in high-risk vandalism districts.
>
> (ii) Protection from ambient temperatures is necessary to avoid meter freeze-ups.

According to PHMC, this premise is inaccurate because there are no municipal requirements in Pennsylvania relating to historic properties and the location of gas meters. Similarly, the Energy Association of Pennsylvania explains in detail that Pennsylvania law generally exempts utilities from local zoning restrictions.

PHMC also states that because the term "Federally approved" does not appear in either the National Historic Preservation Act (16 U.S.C. §§ 470a – 470mm) or the Pennsylvania History Code (37 Pa. Code §§ 101 – 906), the provision is unclear and allows for a wide range of interpretation. It also remains unclear as to what "restrictions" regarding a home listed on the National Register the regulation refers to. The PUC should explain whether local requirements including zoning restrictions do, in fact, exist for utilities and the location of gas meters in historic properties. The PUC should clarify what restrictions, if any, would allow or require an exception to be exercised, and should further clarify how it intends for historic preservation considerations—including those adopted by local governments—to be taken into account when considering the location of gas meter sets.

We also question what or who defines "high-risk vandalism districts." The PUC should clarify this provision so that NGDCs can comply.

**19. Section 59.18 (c)(4). – Economic or fiscal impacts; Feasibility; Reasonableness of requirements; Timetables for compliance.**

This provision states that "[r]egulators connected to steel service lines must be relocated to the outside by December 31, 2020." In the Preamble, the PUC states that the proposed regulation will require NGDCs to relocate most current inside regulators which are connected to steel service lines to the outside **within ten years**. (Emphasis added.) As of the date of submittal, the proposed regulation would impose a deadline of less than eight years. Commentators raise concerns about how this schedule will affect their planning, which already takes into consideration prioritization of system risk and operational concerns. The PUC should clarify the deadline and explain why the deadline is reasonable.

**20. Section 59.18 (c)(5). – Economic or fiscal impacts; Clarity; Reasonableness of requirements; Implementation procedures.**

The provision states that "[m]eters and service regulators may not be located in engine, boiler, heater or electrical equipment rooms, living quarters, closets, restrooms, bathrooms or similar confined locations." A commentator states that it is possible that an NGDC could locate a meter in a basement where a heater is located a sufficient distance—according to federal standards—from the meter to not present any safety danger; this affords NGDCs discretion and flexibility in meter location. How is Paragraph (5) to be considered in relation to 49 CFR 192.353(c), as quoted in the Preamble?