

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR DEVIATION OF COW CREEK)	CASE NO.
GAS, INC)	2009-00031

O R D E R

On January 29, 2009, Cow Creek Gas, Inc. ("Cow Creek Gas"), a local distribution company under Commission jurisdiction, submitted a motion for a deviation from 807 KAR 5.022, Section 13(17)(a).

807 KAR 5:022, Section 13(17)(a), requires that combustible gas in a distribution line shall contain a natural odorant or be odorized so that gas is readily detectable by a person with a normal sense of smell.¹ Since Cow Creek Gas serves more than ten customers, it is required to sample its system for proper odorant levels at least once each week.² Cow Creek Gas submitted a request for a deviation from the required weekly sampling to monthly sampling. 807 KAR 5:022, Section 18, provides that, in "special cases for good cause shown," the Commission may grant a deviation from these regulations.

¹ 807 KAR 5:022, Section 13(17)(a). This is also a requirement of Federal Pipeline Safety Regulation 49 C.F.R. 192.625(a).

² 807 KAR 5:022, Section 13(17)(g)(4). Federal Pipeline Safety Regulation 49 C.F.R. 192.625(a)(f), while requiring odorant sampling, only requires the operator to conduct periodic sampling.

On March 13, 2009, Commission Staff issued a data request seeking information concerning Cow Creek Gas's alleged "good cause" to grant the deviation, with Cow Creek Gas's response due by March 31, 2009. On March 20, 2009, Cow Creek Gas filed a letter indicating it was withdrawing its request for the deviation from the weekly sampling requirement. Prior to making a decision on Cow Creek Gas's request to withdraw its deviation request, the Commission required Cow Creek Gas to comply with the March 13, 2009 data request.

The request for deviation from the regulation, as filed by Cow Creek Gas, seemed to contain statements in support of the request that indicated significant problems were being experienced by the Cow Creek Gas system. However, based on Cow Creek Gas's responses to Commission Staff's subsequent data request, it would appear the problems are not as serious as initially indicated. In response to Commission Staff's data request, Cow Creek Gas provided 12 months of odorant testing and supporting documents.³ It also provided the requested information as to its testing instrument and procedure along with a system map showing its sampling points.⁴

Therefore, based upon its response to the information request of Commission Staff, the Commission finds that Cow Creek Gas is able to perform the necessary sampling as required by regulation and that the requested deviation is no longer needed.

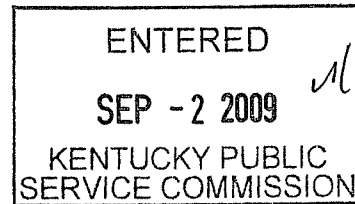
³ Cow Creek Gas Response to Commission Staff Data Request, filed June 3, 2009, Question 2 and attachments.

⁴ Id., Questions 8 and 9 and attachments.

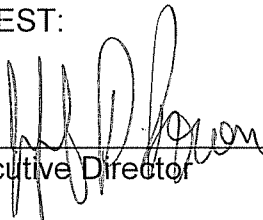
IT IS HEREBY ORDERED that:

1. The motion of Cow Creek Gas to withdraw its request for a deviation is granted.
2. This case is closed and removed from the Commission's docket.

By the Commission



ATTEST:



Executive Director

Jerome A Kanney
President
Cow Creek Gas, Inc.
P. O. Box 3385
Pikeville, KY 41502