

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TOMPKINSVILLE NATURAL GAS SYSTEM)	CASE NO.
ALLEGED FAILURE TO COMPLY WITH KRS)	2012-00362
278.495)	

ORDER

Tompkinsville Natural Gas System ("Tompkinsville") is a Kentucky city-owned gas system which engages in the distribution of natural gas at retail and is subject to Commission jurisdiction for safety. KRS 278.495 grants the Commission authority to regulate the safety of natural gas facilities owned or operated by any public utility, county, or city and used to distribute natural gas at retail. KRS 278.992 establishes the penalties for violations of any minimum safety standard adopted by the United States Department of Transportation pursuant to the federal pipeline safety laws.

Commission Staff submitted to the Commission an Incident Investigation Report ("Report") describing a periodic inspection that occurred on February 28, 2012 in Tompkinsville, Kentucky, which is attached as the Appendix to this Order. The report alleges that Tompkinsville is in violation of 14 sections of Code of Federal Regulations, 49 CFR Parts 191 and 192. 49 CFR Part 191 prescribes requirements for the reporting of incidents, safety related conditions, and annual pipeline summary data by operators of gas pipeline facilities. 49 CFR Part 192 prescribes minimum safety requirements for pipeline facilities and the transportation of gas. Specifically, the sections alleged to be violated are as follows:

1. 49 CFR Part 192.605(a), Procedural manual for operations, maintenance, and emergencies.

(a) *General.* Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

2. 49 CFR Part 192.616, Public awareness.

(a) Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, see §192.7).

3. 49 CFR Part 192.465, External corrosion control: Monitoring.

(a) Each pipeline that is under cathodic protection must be tested at least once each calendar year, but with intervals not exceeding 15 months, to determine whether the cathodic protection meets the requirements of §192.463. However, if tests at those intervals are impractical for separately protected short sections of mains or transmission lines, not in excess of 100 feet (30 meters), or separately protected service lines, these pipelines may be surveyed on a sampling basis. At least 10 percent of these protected structures, distributed over the entire system must be surveyed each calendar year, with a different 10 percent checked each subsequent year, so that the entire system is tested in each 10-year period.

4. 49 CFR Part 192.721, Distribution systems: Patrolling.

(a) The frequency of patrolling mains must be determined by the severity of the conditions which could

cause failure or leakage, and the consequent hazards to public safety.

(b) Mains in places or on structures where anticipated physical movement or external loading could cause failure or leakage must be patrolled—

(1) In business districts, at intervals not exceeding 4½ months, but at least four times each calendar year; and

(2) Outside business districts, at intervals not exceeding 7½ months, but at least twice each calendar year.

5. 49 CFR Part 192.723(b)(1), Distribution systems: Leakage surveys.

(a) Each operator of a distribution system shall conduct periodic leakage surveys in accordance with this section.

(b) The type and scope of the leakage control program must be determined by the nature of the operations and the local conditions, but it must meet the following minimum requirements:

(1) A leakage survey with leak detector equipment must be conducted in business districts, including tests of the atmosphere in gas, electric, telephone, sewer, and water system manholes, at cracks in pavement and sidewalks, and at other locations providing an opportunity for finding gas leaks, at intervals not exceeding 15 months, but at least once each calendar year.

6. 49 CFR Part 192.747, Valve maintenance: Distribution systems.

(a) Each valve, the use of which may be necessary for the safe operation of a distribution system, must be checked and serviced at intervals not exceeding 15 months, but at least once each calendar year.

(b) Each operator must take prompt remedial action to correct any valve found inoperable, unless the operator designates an alternative valve.

7. 49 CFR Part 192.741(a), Pressure limiting and regulating stations: Telemetering or recording gauges.

(a) Each distribution system supplied by more than one district pressure regulating station must be equipped with telemetering or recording pressure gauges to indicate the gas pressure in the district.

8. 49 CFR Part 192.1005, What must a gas distribution operator (other than a master meter or small LPG operator) do to implement this subpart?

No later than August 2, 2011 a gas distribution operator must develop and implement an integrity management program that includes a written integrity management plan as specified in §192.1007.

9. 49 CFR Part 191.11(a), Distribution system: Annual report.

(a) *General.* Except as provided in paragraph (b) of this section, each operator of a distribution pipeline system must submit an annual report for that system on DOT Form PHMSA F 7100.1-1. This report must be submitted each year, not later than March 15, for the preceding calendar year.

10. 49 CFR Part 192.383(b), Excess flow valve installation.

(a) Definitions. As used in this section:

Replaced service line means a gas service line where the fitting that connects the service line to the main is replaced or the piping connected to this fitting is replaced.

Service line serving single-family residence means a gas service line that begins at the fitting that connects the service line to the main and serves only one single-family residence.

(b) Installation required. An excess flow valve (EFV) installation must comply with the performance standards in §192.381. The operator must install an EFV on any new or replaced service line serving a single-family residence after February 12, 2010, unless one or more of the following conditions is present:

(1) The service line does not operate at a pressure of 10 psig or greater throughout the year;

(2) The operator has prior experience with contaminants in the gas stream that could interfere with the EFV's operation or cause loss of service to a residence;

(3) An EFV could interfere with necessary operation or maintenance activities, such as blowing liquids from the line; or

(4) An EFV meeting performance standards in §192.381 is not commercially available to the operator.

11. 49 CFR Part 192.805, Qualification program.

Each operator shall have and follow a written qualification program.

12. 49 CFR Part 192.805(h), Qualification program.

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(h) After December 16, 2004, provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities.

13. 49 CFR Part 192.625(f), Odorization of gas.

(f) To assure the proper concentration of odorant in accordance with this section, each operator must conduct periodic sampling of combustible gases using an instrument capable of determining the percentage of gas in air at which the odor becomes readily detectable.

14. 49 CFR Part 192.625(a), Odorization of gas.

(a) A combustible gas in a distribution line must contain a natural odorant or be odorized so that at a concentration in air of one-fifth of the lower explosive limit, the gas is readily detectable by a person with a normal sense of smell.

On June 14, 2012, a cover letter and copy of the inspection report were sent to Tompkinsville in which it was requested that Tompkinsville file a response no later than July 20, 2012. Tompkinsville filed its response on July 19, 2012 and stated that it has hired both a consultant and a contractor to aid in curing the deficiencies. It also states that many of its records were lost or misplaced when the office was moved from the courthouse, but it now has storage at the police department, where the records will be kept, as well as a designated person who is responsible for the record keeping and filing. The response also stated Tompkinsville has obtained the manuals and plans it lacked during the inspection; however, those manuals and plans have not yet been reviewed by the Pipeline Safety Branch.

Based on its review of the Report and being otherwise sufficiently advised, the Commission finds that *prima facie* evidence exists that Tompkinsville has failed to comply with KRS 278.495. We further find that a formal investigation into the inspection that is the subject matter of the Report should be conducted and that this investigation should also examine Tompkinsville's safety practices related to the construction, installation, and repair of natural gas facilities.

The Commission, on its own motion, HEREBY ORDERS that:

1. Tompkinsville shall submit to the Commission, within 20 days of the date of this Order, a written response to the allegations contained in the Report.
2. Tompkinsville shall submit any plans or manuals it has obtained as a result of the inspection to the Commission within 20 days of the date of this Order.
3. Tompkinsville shall appear on January 8, 2013, at 10:00 a.m., Eastern Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard in

Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violations of KRS 278.495 and of showing cause why it should not be subject to the penalties prescribed in KRS 278.992 for these alleged violations.

4. At the scheduled hearing in this matter, Tompkinsville shall also present evidence on the safety of its practices related to the construction, installation, and repair of natural gas facilities and whether such practices require revision as related to this inspection.

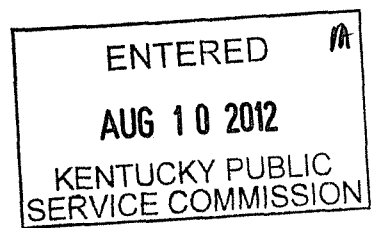
5. The January 8, 2013 hearing shall be recorded by videotape only.

6. The Report in the Appendix to this Order is made a part of the record in this case.

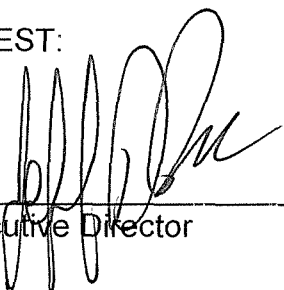
7. Any requests for an informal conference with Commission Staff shall be set forth in writing and filed with the Commission within 20 days of the date of this Order.

By the Commission

Commissioner Breathitt is abstaining from this proceeding.



ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2012-00362 DATED **AUG 10 2012**

**COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION**

UTILITY INSPECTION REPORT

Report Date: 3/2/2012

Report Number: Tompkinsville Natural Gas System 02281

BRIEF

Inspector: Joel Grugin
Inspection Date: 2/28/2012
Type of Inspection: Periodic Regulatory Compliance Inspection
Type of Facility: Municipal
Name of Utility: Tompkinsville Natural Gas System
Location of Facility: Tompkinsville Ky
Purpose of Inspection: Periodic inspection of a municipal operator's facilities and management practices to verify compliance with federal pipeline safety regulations.
Applicable Regulations 49 CFR part 191, 192 and 199

INSPECTION

Description of Utility: Municipal gas system serving the city of Tompkinsville.
Number of Customers: 1088
Area of Operation: City of Tompkinsville and some rural accounts in Monroe county along the main that feeds the town.
Supply Source: Texas Eastern
Distribution Description: Steel and plastic distribution piping system operating at pressures from 310 PSIG to 50 PSIG.
Workforce Summary: 3 dedicated full time employees to the gas department
Utility Reps in Insp: Harold Frazier and Ricky Birge
Date of Last Inspection: 6/4/2009
DTR from Last Insp: 5
DTRs not Cleared: 0

Summary of items and facilities Inspected:

The Operating and Maintenance, Emergency, Damage Prevention, Operator Qualification, DIMP, and the Drug and Alcohol Plans were reviewed during the office visit. Also inspected were a sample of records pertaining to leakage surveys and repairs, valve inspections, patrolling, corrosion control, regulator inspections, DOT reporting requirements and odorant verification tests. The field portion of the inspection consisted of inspecting corrosion pipeline readings, regulator settings, pipeline markers, mainline valve locations, and meter installations.

**COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION**

UTILITY INSPECTION REPORT

Report Date: 3/2/2012

Report Number: Tompkinsville Natural Gas System 02281

FINDINGS

- 1 Tompkinsville Natural Gas System could not provide an updated working copy of an operation and maintenance plan.
- 2 Tompkinsville Natural Gas System had no records to indicate that any portion of their public awareness plan had been followed.
- 3 Tompkinsville Natural Gas System had no records to indicate that any cathodic protection survey tests had been taken.
- 4 Tompkinsville Natural Gas System had no records to indicate that patrolling of known areas of concern of their pipeline system had been checked. It is known by this investigator that a least one such condition exists at the creek crossing at the Tompkinsville Housing Authority.
- 5 Tompkinsville Natural Gas System had no records to indicate that a leak survey of their business district had been performed in 2011.
- 6 Tompkinsville Natural Gas System had no records to indicate that their "critical" or "key" valves had been inspected as required.
- 7 Tompkinsville Natural Gas System did not have an operating recording gauge on their multiple regulator fed district system.
- 8 Tompkinsville Natural Gas System did not have a DIMP plan.
- 9 Tompkinsville Natural Gas System had not filed DOT form PHMSA F 7100-1 for 2011.
- 10 Tompkinsville Natural Gas System did not install excess flow valves on 7 new services that were added off Highway 1366 in 2011.
- 11 Tompkinsville Natural Gas System did not have an operator qualification plan.
- 12 Tompkinsville Natural Gas System had no workers who had current operator qualification training.
- 13 Tompkinsville Natural Gas System did not follow the manufacturer's guidelines for calibration of their odorator to be performed every 12 months. Their's was due for test at the end of August 2011.
- 14 Tompkinsville Natural Gas System had odor reading tests that were void due to the operator qualification training had expired for all their employees.

RECOMMENDATIONS

At the minimum and earliest possible time training should obtained for the gas department employees. Given the number of the other noncompliance items it is recommended that a third party consultant be hired to address the numerous deficiencies and a plan be submitted the PSC gas pipeline safety branch to correct such. At that point periodic updates should be submitted to the PSC gas branch on the

**COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION**

UTILITY INSPECTION REPORT

Report Date: 3/2/2012

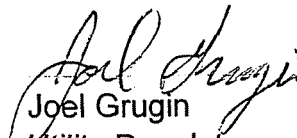
Report Number: Tompkinsville Natural Gas System 02281

progress being made on becoming compliant.

ADDITIONAL INSPECTOR COMMENTS

In the past Tompkinsville Natural Gas System has had a history of noncompliance of code. Attempts were made and at times progress was made which was usually after a site visit and phone calls from an investigator. It appears to this investigator that qualified individuals were not making decisions to adequately maintain the system within the minimum code guidelines. Until someone who has the authority within the gas department that is assigned the responsibility of overseeing the proper operation of the system, I see little chance of any significant change for the better.

Submitted by



Joel Grugin

Utility Regulatory and Safety Investigator III

Deficiency Tracking Report

Deficiency Detail

Utility	Date of Investigation	Investigator
Tompkinsville Natural Gas System	2/28/2012	Joel Grugin

Regulation

49 CFR Part 192.605(a) Procedural manual for operations, maintenance, and emergencies...

Deficiency:

Tompkinsville Natural Gas System could not provide an updated working copy of an operation and maintenance plan.

If Repeat Deficiency, Date of Last DTR:

Response (attach additional pages as necessary)

1) Explain why the deficiency occurred. Include information about what caused the deficiency and why it was not detected by the utility. (Attach extra pages as necessary)

2) Explain actions taken to correct the deficiency, including utility's responsible person, actions taken, and when it was (or will be) done. (Attach extra pages as necessary)

3) Explain actions taken to prevent the deficiency from occurring again, including utility's responsible person, actions taken, and when it was (or will be) done. (Attach extra pages as necessary)

Response Provided By: _____

Response Date: _____

Signature: _____

Deficiency Tracking Report

Deficiency Detail

Utility	Date of Investigation	Investigator
Tompkinsville Natural Gas System	2/28/2012	Joel Grugin

Regulation

49 CFR Part 192.616 Public awareness. Each operator shall establish a continuing educational program to enable customers, the public, appropriate government organizations, and persons engaged in excavation...

Deficiency:

Tompkinsville Natural Gas System had no records to indicate that any portion of their public awareness plan had been followed.

If Repeat Deficiency, Date of Last DTR:

Response (attach additional pages as necessary)

1) Explain why the deficiency occurred. Include information about what caused the deficiency and why it was not detected by the utility. (Attach extra pages as necessary)

2) Explain actions taken to correct the deficiency, including utility's responsible person, actions taken, and when it was (or will be) done. (Attach extra pages as necessary)

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Signature: _____

Deficiency Tracking Report

Deficiency Detail

Utility	Date of Investigation	Investigator
Tompkinsville Natural Gas System	2/28/2012	Joel Grugin

Regulation

49 CFR Part 192.465 External corrosion control: Monitoring... (a) Each pipeline that is under cathodic protection must be tested at least once each calendar year...

Deficiency:

Tompkinsville Natural Gas System had no records to indicate that any cathodic protection survey tests had been taken.

If Repeat Deficiency, Date of Last DTR:

Response (attach additional pages as necessary)

1) Explain why the deficiency occurred. Include information about what caused the deficiency and why it was not detected by the utility. (Attach extra pages as necessary)

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Deficiency Tracking Report

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Utility	Date of Investigation	Investigator
Tompkinsville Natural Gas System	2/28/2012	Joel Grugin

Regulation

49 CFR Part 192.721 Patrolling. Mains in places or on structures where anticipated physical movement or external loading could cause failure or leakage must be patrolled...

Deficiency:

Tompkinsville Natural Gas System had no records to indicate that patrolling of known areas of concern of their pipeline system had been checked. It is known by this investigator that a least one such condition exists at the creek crossing at the Tompkinsville Housing Authority.

If Repeat Deficiency, Date of Last DTR:

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Response Date: _____

Signature: _____

Deficiency Tracking Report

Deficiency Detail

Utility	Date of Investigation	Investigator
Tompkinsville Natural Gas System	2/28/2012	Joel Grugin

Regulation

49 CFR Part 192.723 (b)(1) A leakage survey with leak detector equipment must be conducted in business districts, including tests of the atmosphere in gas, electric, telephone, sewer, and water system manholes, at cracks in pavement and sidewalks, and at

Deficiency:

Tompkinsville Natural Gas System had no records to indicate that a leak survey of their business district had been performed in 2011.

If Repeat Deficiency, Date of Last DTR:

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Response Date: _____

Signature: _____

Deficiency Tracking Report

Deficiency Detail

Utility	Date of Investigation	Investigator
Tompkinsville Natural Gas System	2/28/2012	Joel Grugin

Regulation

49 CFR Part 192.747 Each valve...must be checked and serviced at intervals not exceeding 15 months, but at least once each calendar year.

Deficiency:

Tompkinsville Natural Gas System had no records to indicate that their "critical" or "key" valves had been inspected as required.

If Repeat Deficiency, Date of Last DTR:

Response (attach additional pages as necessary)

1) Explain why the deficiency occurred. Include information about what caused the deficiency and why it was not detected by the utility. (Attach extra pages as necessary)

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Response Date: _____

Signature: _____

Deficiency Tracking Report

Deficiency Detail

Utility	Date of Investigation	Investigator
Tompkinsville Natural Gas System	2/28/2012	Joel Grugin

Regulation

49 CFR Part 192.741(a) Each distribution system supplied by more than one district pressure regulating station must be equipped with telemetering or recording pressure gauges

Deficiency:

Tompkinsville Natural Gas System did not have an operating recording gauge on their multiple regulator fed district system.

If Repeat Deficiency, Date of Last DTR:

Response (attach additional pages as necessary)

1) Explain why the deficiency occurred. Include information about what caused the deficiency and why it was not detected by the utility. (Attach extra pages as necessary)

2) Explain actions taken to correct the deficiency, including utility's responsible person, actions taken, and when it was (or will be) done. (Attach extra pages as necessary)

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Response Date: _____

Signature: _____

Deficiency Tracking Report

Deficiency Detail

Utility	Date of Investigation	Investigator
Tompkinsville Natural Gas System	2/28/2012	Joel Grugin

Regulation

49 CFR Part 192.1005 No later than August 2, 2011 a gas distribution operator must develop and implement an integrity management program that includes a written integrity management plan as specified in §192.1007.

Deficiency:

Tompkinsville Natural Gas System did not have a DIMP plan.

If Repeat Deficiency, Date of Last DTR:

Response (attach additional pages as necessary)

1) Explain why the deficiency occurred. Include information about what caused the deficiency and why it was not detected by the utility. (Attach extra pages as necessary)

2) Explain actions taken to correct the deficiency, including utility's responsible person, actions taken, and when it was (or will be) done. (Attach extra pages as necessary)

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Response Date: _____

Signature: _____

Deficiency Tracking Report

Deficiency Detail

Utility	Date of Investigation	Investigator
Tompkinsville Natural Gas System	2/28/2012	Joel Grugin

Regulation

49 CFR Part 191.11(a) Except as provided in paragraph (b) of this section, each operator of a distribution pipeline system shall submit an annual report for that system on Department of Transportation Form RSPA F 7100.1-1.

Deficiency:

Tompkinsville Natural Gas System had not filed DOT form PHMSA F 7100-1 for 2011.

If Repeat Deficiency, Date of Last DTR:

Response (attach additional pages as necessary)

1) Explain why the deficiency occurred. Include information about what caused the deficiency and why it was not detected by the utility. (Attach extra pages as necessary)

2) Explain actions taken to correct the deficiency, including utility's responsible person, actions taken, and when it was (or will be) done. (Attach extra pages as necessary)

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Response Provided By:

Response Date:

Signature:

Report Number: Tompkinsville Natural Gas System 022812
DTR Number: 10

Due Date: 6/22/2012

Deficiency Tracking Report

Deficiency Detail

Utility	Date of Investigation	Investigator
Tompkinsville Natural Gas System	2/28/2012	Joel Grugin

Regulation

49 CFR Part 192.383(b) Excess flow valve customer notification... Notification is required on each newly installed service line or replaced service line that operates continuously throughout the year at a pressure not less than 68.9 kPa ...

Deficiency:

Tompkinsville Natural Gas System did not install excess flow valves on 7 new services that were added off Highway 1366 in 2011.

If Repeat Deficiency, Date of Last DTR:

Response (attach additional pages as necessary)

1) Explain why the deficiency occurred. Include information about what caused the deficiency and why it was not detected by the utility. (Attach extra pages as necessary)

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Response Provided By:

Response Date:

Signature:

Deficiency Tracking Report

Deficiency Detail

Utility	Date of Investigation	Investigator
Tompkinsville Natural Gas System	2/28/2012	Joel Grugin

Regulation

49 CFR Part 192.805 Operator Qualification Program Each operator shall have and follow a written qualification program.

Deficiency:

Tompkinsville Natural Gas System did not have an operator qualification plan.

If Repeat Deficiency, Date of Last DTR:

Response (attach additional pages as necessary)

1) Explain why the deficiency occurred. Include information about what caused the deficiency and why it was not detected by the utility. (Attach extra pages as necessary)

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Deficiency Tracking Report

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Utility	Date of Investigation	Investigator
Tompkinsville Natural Gas System	2/28/2012	Joel Grugin

Regulation

49 CFR Part 192.805(h) provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities

Deficiency:

Tompkinsville Natural Gas System had no workers who had current operator qualification training.

If Repeat Deficiency, Date of Last DTR:

Response (attach additional pages as necessary)

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Response Date: _____

Signature: _____

Deficiency Tracking Report

Deficiency Detail

Utility	Date of Investigation	Investigator
Tompkinsville Natural Gas System	2/28/2012	Joel Grugin

Regulation

49 CFR Part 192.625(f) Odorization of gas. ... (f) each operator must conduct periodic sampling of combustible gases using an instrument capable of determining the percentage of gas in air at which the odor becomes readily detectable.

Deficiency:

Tompkinsville Natural Gas System did not follow the manufacturer's guidelines for calibration of their odorator to be performed every 12 months. Their's was due for test at the end of August 2011.

If Repeat Deficiency, Date of Last DTR:

Response (attach additional pages as necessary)

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Response Provided By:

Response Date:

Signature:

Deficiency Tracking Report

Deficiency Detail

Utility	Date of Investigation	Investigator
Tompkinsville Natural Gas System	2/28/2012	Joel Grugin

Regulation

49 CFR Part 192.625(a) A combustible gas in a distribution line must contain a natural odorant or be odorized so that at a concentration in air of one-fifth of the lower explosive limit, the gas is . . .

Deficiency:

Tompkinsville Natural Gas System had odor reading tests that were void due to the operator qualification training had expired for all their employees.

If Repeat Deficiency, Date of Last DTR:

Response (attach additional pages as necessary)

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Response Provided By:

Response Date:

Signature:

Harold Frazier
Gas Superintendent
Tompkinsville Natural Gas System
206 N. Magnolia Street
Tompkinsville, KY 42167