

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

IRVINGTON GAS COMPANY REQUEST FOR)	CASE NO.
DEVIATION FROM 807 KAR 5:022, SECTION)	2013-00038
13(17)(G)4)	

ORDER

On January 28, 2013, Irvington Gas Company, Inc. (“Irvington Gas”) filed an application seeking a deviation from 807 KAR 5:022, Section 13(17)(g), which requires it to conduct sampling of combustible gases to assure proper concentration of odorant. On May 9, 2013 and May 20, 2013, Irvington Gas provided additional information in response to Commission Staff’s Initial Request for Information (“Staff’s Initial Request”). There are no intervenors in this case.

Irvington Gas is a propane gas company that provides propane gas service to residential customers in several subdivisions¹ in Kentucky through underground pipeline systems and has been determined to be a utility subject to the Commission’s jurisdiction.² Seven of these subdivisions serve more than ten customers.³ Irvington Gas is seeking a deviation from the required testing for odorant levels required by 807 KAR 5:022, Section 13(17)(g), which states the following:

¹ Case No. 2013-00076, *An Investigation into the Jurisdictional Status of the Irvington Gas Company’s Underground Propane Operations* (Ky. PSC Mar. 14, 2013), Order at Appendix B.

² *Id.*, Final Order (Ky. PSC Nov. 25, 2014).

³ Response to Staff’s Initial Request (filed May 9, 2013), Item 1.

(g) Each utility shall conduct sampling of combustible gases to assure proper concentration of odorant in accordance with this section unless otherwise approved by the commission.

1. The utility shall sample gases in each separately odorized system at approximate furthest point from injection of odorant.

2. Sampling shall be conducted with equipment designed to detect and verify proper level of odorant.

3. Separately odorized systems with ten (10) or fewer customers shall be sampled for proper odorant level at least once each ninety-five (95) days.

4. Separately odorized systems with more than ten (10) customers shall be sampled for proper odorant level at least once each week.

The Commission, in addition to the above requirements, also enforces certain federal safety requirements through its Division of Engineering Gas Pipeline Safety Branch and is certified by the U.S. Department of Transportation and the Pipeline and Hazardous Materials Safety Administration ("PHMSA") as having adopted the minimum federal regulations and established substantially the same enforcement measures as those in the federal pipeline safety statutes. One of these requirements is found in 49 CFR 192.625(f), which states that "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." Both 49 CFR 192.625 and 807 KAR 5:022, Section 13(17)(a), define the odorization of gas as follows:

Combustible gas in a distribution line shall contain a natural odorant or be odorized so that at a concentration in air of one-fifth (1/5) of the lower explosive limit (approximately one (1) percent by volume), gas is readily detectable by a person with a normal sense of smell.

Irvington Gas objects to the requirement that it test for odorant with equipment designed to detect and verify proper odorant levels as required by both 807 KAR 5:022, Section 13(17)(g), and 49 CFR 192.625(f). The basis for its objection is that it

purchases propane that has been injected with odorant prior to delivery to Irvington Gas's bulk plants and that written verification of the level of odorization is noted on each Bill of Lading,⁴ which also reflects that a sniff test has been performed to verify odorization.⁵ In addition, Irvington Gas states that its employees perform a sniff test every time its trucks are filled with propane to make a delivery.⁶ Irvington Gas also objects to the specific requirement of 807 KAR 5:022, Section 13(17)(g)1, that "[t]he utility shall sample gases in each separately odorized system at approximate furthest point from injection of odorant." Irvington Gas states, "[w]e do not have an injection point because our propane is odorized prior to delivery into our bulk plants."⁷

After considering the evidence of record, the Commission finds that:

1. Odorized propane is delivered to Irvington Gas at its bulk plants and the level of odorization of the propane is documented at the time of delivery on the Bills of Lading.
2. There is no additional testing of odorant levels once propane is delivered to Irvington Gas's bulk plants.
3. The employees of Irvington Gas conduct a sniff test when propane is first delivered into its bulk plants and again when propane is transferred from its bulk plants to its delivery trucks.

⁴ *Id.*, Item 3.

⁵ *Id.*

⁶ *Id.*, Items 3 and 6.

⁷ *Id.*, Item 2.

4. Irvington Gas supplies propane to customers who have individual, above-ground tanks, as well as to customers who live in subdivisions where Irvington Gas provides service through underground storage tanks and piping that it has installed.

5. Irvington Gas currently provides underground propane service to customers in seven subdivisions having more than ten customers.

6. Irvington Gas is subject to the requirements of both 807 KAR 5:022, Section 13(17)(g), and 49 CFR 192.625(f).

7. The total amount of time that propane is stored at Irvington Gas's bulk plants and that remains in its underground storage tanks prior to use is unknown.

8. The level of odorant at the furthest point in each of Irvington Gas's systems is unknown.

The Commission being otherwise sufficiently advised, HEREBY ORDERS that:

1. Irvington Gas's request for a deviation from 807 KAR 5:022, Section 13(17)(g), is denied.

2. Irvington Gas's request for a deviation from 49 CFR 192.625(f) is denied.

3. Irvington Gas shall test the odorant level of its propane, using equipment designed to detect and verify proper levels of odorant, at the furthest point from each underground storage tank that serves customers through its underground pipeline systems, in compliance with 807 KAR 5:022, Section 13(17)(g).

4. In the Irvington Gas system, if the gas odorant level drops at any location below the concentration specified in 807 KAR 5:022, Section 13(17)(a), Irvington Gas shall immediately report such occurrence to the Commission and install odorization facilities to inject odorant into its propane gas.

By the Commission

ENTERED
FEB 10 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2013-00038

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