

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") submitted by letter a request to the Commission for a deviation from the odorant test required by Commission regulations. We considered this letter to be a motion to grant a deviation from the Commission Gas Safety and Service Regulations pursuant to 807 KAR 5.022 and opened a case accordingly.

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.<sup>1</sup> 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.<sup>2</sup> Cow Creek Gas submitted a request for a deviation from weekly sampling to a monthly sampling period. 807 KAR 5:022, Section 18, provides that in special cases, "for good cause shown," the Commission may grant a deviation from these regulations.

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

<sup>2</sup> 807 KAR 5:022, Section 13(17) (g) 4. Federal Pipeline Safety Regulations: 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 filed a data request seeking information from Cow Creek Gas concerning its alleged "good cause" to grant the deviation, with the responses due by March 31, 2009. On March 20, 2009, Cow Creek Gas filed a letter indicating it was withdrawing the request for a deviation from the weekly sampling requirement.

We find that, prior to making a decision on Cow Creek Gas's request to withdraw its deviation request, the Commission will require Cow Creek Gas to comply with Commission Staff's data request. We will hold in abeyance Cow Creek Gas's original request for deviation and its motion to withdraw the deviation request pending the response to Commission Staff's data request. We will grant Cow Creek Gas 30 days from the date of this Order to respond to the data request as filed on March 13, 2009.

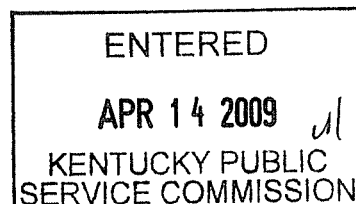
IT IS HEREBY ORDERED that:

1. Cow Creek Gas shall file its responses to the Commission Staff data request dated March 13, 2009 within 30 days of the date of this Order.
2. Until such time as the response to the data request is filed by Cow Creek Gas, the motion to withdraw the request for a deviation is held in abeyance.

By the Commission

ATTEST:

  
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Executive Director



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