

STATE OF NORTH DAKOTA
PUBLIC SERVICE COMMISSION

**Public Service Commission
Gas Pipeline Safety
Rulemaking**

Case No. GS-11-79

PUBLIC SERVICE COMMISSION STAFF TESTIMONY

August 9, 2011

I am Patrick Fahn, Director of the Compliance and Competitive Markets Division with the Public Service Commission.

The proposed change to North Dakota Administrative Code Section 69-09-03-02 adopts, by reference, changes made to federal pipeline safety regulations and in effect as of June 22, 2011.

The Commission acts as agent for the U.S. Department of Transportation, Pipeline and Hazardous Materials Administration (PHMSA) by entering into a federal/state agreement and receives federal funding for the enforcement of minimum gas pipeline safety standards on all gas distribution and intrastate transmission facilities within North Dakota. While all gas distribution and intrastate transmission facilities within North Dakota are required to comply with the federal minimum pipeline safety standards regardless of the state adoption of those standards, as a PHMSA agent, the state must be able to enforce the standards.

The federal/state agreement requires that North Dakota adopt the federal gas safety standards, along with any future amendments to those standards. The initial adoption took place on June 1, 1984, with additional rulemaking

proceedings, such as this one, held annually if necessary, to continue to adopt federal amendments to the standards. A summary of federal standards amended and effective from August 1, 2009 through June 22, 2011 is attached to this testimony.

All gas distribution and intrastate transmission facilities within North Dakota are required to comply with the federal minimum pipeline safety standards regardless of the state adoption of the federal standards. Therefore, there is no additional impact on the regulated community as a result of state adoption of the standards.