

June 29, 1994

Ralph J. Wisz
Utilities Manager
City of Mesa
340 E. Sixth Street
Mesa, AZ 85211-1466

Dear Mr. Wisz:

Your letter to George Tenley, Jr., concerning the requirement of 49 CFR 192.739 to inspect regulator stations, has been referred to this office for response. The Arizona Corporation Commission waived this requirement for the Citizens Utility Company for certain service regulators connected to multiple-meter manifolds that supply gas to single residences. By letter of January 3, 1994, we approved the waiver, saying the regulators functioned "like residential service regulators, which are not subject to § 192.739."

According to your letter, the Commission has announced that it will not enforce § 192.739 against the similar residential installations in Arizona. And, the Commission will not extend this policy to include installations that serve commercial customers unless we clarify our position regarding residential service regulators. Consequently, you have asked whether we based our approval of the waiver on the type of regulator or on the fact that the regulators served only residential customers.

We approved the Citizens waiver based on our appraisal of the safety of the circumstances. We used the term "residential service regulators" merely because all the customers were residences. A decision on any similar waiver request involving commercial customers would likewise rest on the safety of the circumstances. By copy of this letter, we will advise the Commission of this clarification.

If you feel relief from § 192.739 is justified for any of Mesa's multiple-meter manifold installations, the appropriate course would be to seek a waiver from the Arizona Corporation Commission. We would then consider the matter if the Commission waives the requirement.

We appreciate your opinion that § 192.739 was not intended to cover service regulators that control gas delivered through multiple-meter manifolds. However, we have not found support for this conclusion in the regulatory history. Thus, considering the many variations among multiple-meter manifold installations, any change in the application of § 192.739 will not come about until

we define the term “regulator station” in a future rulemaking proceeding. Meanwhile, where compliance for particular installations seems unnecessary for safety, states may continue to handle the issue by general waiver or enforcement policy, as Arizona has done.

Sincerely,

Cesar De Leon
Director, Pipeline Safety
Regulatory Programs