

April 10, 1978

Mr. Kenneth W. Freelain, Director
Pipeline Safety Engineering
Public Service Commission
of the District of Columbia
1625 "I" Street, N.W.
Washington, D.C. 20006

Dear Mr. Freelain:

This refers to your letter of March 30, 1978, regarding the proper classification under 49 CFR Part 192 of certain pipelines operated by the Washington Gas Light Company which run between "interstate transmission facilities" outside the District and points in the District.

In our letter of December 9, 1977, we classified these pipelines as "transmission lines." You have indicated, however, that if they are so classified the Commission would not have jurisdiction over them since they cross State lines and, therefore, are "interstate transmission gas pipeline." Further, you have indicated that the Commission would have jurisdiction if the pipelines were classified as "distribution lines."

Under the Natural Gas Pipeline Safety Act of 1968, Federal preemption of the Commission's safety regulatory jurisdiction applies only to "interstate transmission facilities." The Act defines this term to mean pipeline facilities which are subject to the jurisdiction of the Federal Power Commission (now the Federal Energy Regulatory Commission (FERC)) under the Natural Gas Act, except for certain direct sales lines. From Mr. Tarapchak's letter of February 27, 1978, it appears that even though the pipelines in question cross State lines, they are not subject to FERC jurisdiction and therefore may be regulated by the Commission. If we are wrong and the lines are subject to FERC jurisdiction and are not direct sales lines, then the preemption provision of the Act would apply and the Commission could not exercise jurisdiction merely by calling the pipelines "distribution lines."

The pipelines in question do not appear to us to be direct sales lines. If they were, as we told Mr. Crudup in Georgia, the Commission could regulate them if it has jurisdiction over such lines under the law of the District.

Sincerely,

Cesar DeLeon
Acting Director
Office of Pipeline
Safety Operations