

April 1, 1993

Mr. Paul Curl
Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive
P.O. Box 47250
Olympia, WA 98504-7250

Dear Mr. Curl:

We have considered your letter of December 30, 1992, notifying us the Washington Utilities and Transportation Commission (WUTC) waived the definition of "main" in 49 CFR 192.3 for the Washington Natural Gas Company. The waiver permits no more than two adjoining residential-building customers to be supplied gas from a common pipeline without classifying that pipeline as a "main."

We have no objection to the waiver from a safety standpoint. The circumstances are comparable to those of previous waivers we approved that were granted in 1989 and 1990 by the Arizona Corporation Commission and the Public Service Commission of Nevada.

As you know, WUTC did not have a certification or agreement in effect under Section 5 of the Natural Gas Pipeline Safety Act of 1968, as amended (NGPSA), when the waiver was granted. Because the authority of state agencies to waive a safety standard established under the NGPSA depends on the existence of such certifications or agreements (49 App. U.S.C. 1674), we are concerned about the legitimacy of the waiver. We believe this problem would be corrected if WUTC would reissue the waiver to the Washington Natural Gas Company. WUTC need not resubmit the waiver to us for further consideration after it is reissued.

Sincerely,

George W. Tenley, Jr.
Associate Administrator for
Pipeline Safety