



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

AUG - 4 2010

The Honorable William H. Baughman, Jr.
801 West Superior Avenue
Cleveland, OH 44113-1846

Dear Judge Baughman:

Thank you for your letter of June 11, 2010, regarding Federal regulations pertaining to gas distribution pipeline leakage surveys and whether they are required inside of residences. As overseers of the Nation's 2.1 million miles of pipelines, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is committed to ensuring safety and protecting the environment. Leakage surveys, as required under 49 CFR § 192.723, help ensure the safety of people who live and work in proximity to pipelines.

As you note in your letter, § 192.723 requires operators of a distribution pipeline system to conduct periodic leakage surveys. Pipelines not located in business districts must be surveyed at least once every five years. For cathodically unprotected distribution lines on which electrical surveys for corrosion are impractical, a leakage survey must be conducted at least once every three years.

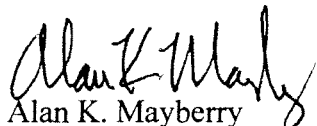
Also, please reference 49 CFR § 192.3, which defines a service line as a distribution pipeline that transports gas from a common source of supply, such as a main, to one or more individual customers. A service line ends at the outlet of a customer's meter or at the connection to the customer's piping, whichever is farther downstream. If there is no customer meter, the service line ends at the connection to the customer's piping.

Under these provisions, an operator must conduct a leakage survey with leak detector equipment up to the end of the service lines. If the customer's meter or connection to the customer's piping is located inside a personal residence, the leakage survey must include that portion of the service line inside the residence.

Ohio is one of many states certified under 49 U.S.C. § 60105(a) to regulate intrastate natural gas pipelines, such as those discussed in this letter. Ohio regulates such pipelines through the Public Utilities Commission of Ohio (PUCO).

I hope this letter answers your questions and addresses your concerns. If we can be of further assistance, please do not hesitate to contact Elizabeth Komiskey (elizabeth.komiskey@dot.gov, phone: 202-288-1818), Harold Winnie (harold.winnie@dot.gov, phone: 816-329-3800) at our Central Region Community Assistance and Technical Services team in Kansas City, or me at 202-366-4595.

Sincerely,



Alan K. Mayberry
Deputy Associate Administrator
For Field Operations

cc: Mr. Neil Eisner, Assistant General Counsel for Regulation and Enforcement, DOT
Mr. Alan R. Schriber, Chairman, Public Utilities Commission of Ohio

The Honorable William H. Baughman, Jr.
United States Courthouse
Courtroom 10A

801 West Superior Avenue
Cleveland, OH 44113-1846

216/357-7220
Fax: 216/357-7224

June 11, 2010

Mr. Neil Eisner
Assistant General Counsel for
Regulation and Enforcement
United States Department of Transportation
1200 New Jersey Avenue S.E.
Washington, DC 20590

**Re: Demand of Dominion East Ohio for Leakage Survey of Inside Gas
Meter and Piping Under U.S. Department of Transportation
Regulation
Account No. 4500014919225
Service Address: 31541 Edgewood Road, Pepper Pike, OH 44124
Meter No. 18252265**

Dear Mr. Eisner:

I have received a demand from my natural gas service provider, Dominion East Ohio, for a leakage survey of my inside gas meter and piping. A copy of the demand letter is enclosed. This demand is purportedly made under a regulation of your Department.

Through research, I have found 49 C.F.R. § 192.723, Distribution systems: Leakage surveys. A copy of that regulation is enclosed. Although the regulation refers to leakage surveys, I cannot determine from the regulation if it applies to the gas meter and piping inside my residence.

My efforts to get more information on this leakage survey and the authority therefor from Dominion East Ohio have been unsuccessful. The most helpful service representative advised that the inspection is required by federal regulation. She checked the records for my residence and said that such an inspection had not been performed since 2002. This predates

Mr. Neil Eisner
Assistant General Counsel for
Regulation and Enforcement
United States Department of Transportation
June 11, 2010
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my ownership of the home. I had been a customer of Dominion East Ohio in two other Cleveland suburbs since 1976 and have never had such a survey performed at any of my residences.

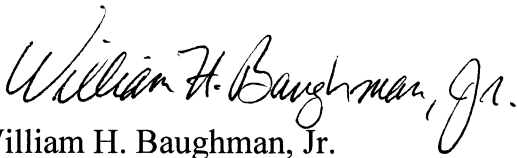
When asked for an explanation, the customer service representative for Dominion East Ohio stated that the company has probably been in violation of the regulation for some time and is now undertaking these surveys under pressure from your Department. Frankly, this all sounds pretextual to me.

I see that 49 C.F.R. § 192.723 has been in effect since 1970. I find it incredible that Dominion East Ohio has been in default as to my properties since 1976, if indeed this regulation applies to the interior of residential properties.

Dominion East Ohio has continued to insist on this survey, with a reminder that it can terminate my service even if my account with them is current. I have tentatively scheduled the survey for June 24, 2010. Accommodating Dominion East Ohio in this manner will require me, however, to take at least one-half day from my duties as a federal magistrate judge at the federal district court in Cleveland.

If, in fact, your Department does not have a regulation requiring this survey or is not insisting that surveys be conducted, I would appreciate receiving that information. I have made inquiry with the Public Utilities Commission of Ohio, whose representative has advised that it has no knowledge of this leakage survey program.

Sincerely,


William H. Baughman, Jr.

gsg
Enclosures

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[Justia](#) > [Law](#) > [United States](#) > [Code of Federal Regulations](#) > [Title 49 - Transportation](#) > [CHAPTER I--PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION](#) > [PART 192--TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS](#) > § 192.723 Distribution systems: Leakage surveys.

49 C.F.R. § 192.723 Distribution systems: Leakage surveys.

Title 49 - Transportation

Title 49: Transportation

[PART 192--TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS](#)

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§ 192.723 Distribution systems: Leakage surveys.

(a) Each operator of a distribution system shall conduct periodic leakage surveys in accordance with this section.

(b) The type and scope of the leakage control program must be determined by the nature of the operations and the local conditions, but it must meet the following minimum requirements:

(1) A leakage survey with leak detector equipment must be conducted in business districts, including tests of the atmosphere in gas, electric, telephone, sewer, and water system manholes, at cracks in pavement and sidewalks, and at other locations providing an opportunity for finding gas leaks, at intervals not exceeding 15 months, but at least once each calendar year.

(2) A leakage survey with leak detector equipment must be conducted outside business districts as frequently as necessary, but at least once every 5 calendar years at intervals not exceeding 63 months. However, for cathodically unprotected distribution lines subject to §192.465(e) on which electrical surveys for corrosion are impractical, a leakage survey must be conducted at least once every 3 calendar years at intervals not exceeding 39 months.

[35 FR 13257, Aug. 19, 1970, as amended by Amdt. 192-43, 47 FR 46851, Oct. 21, 1982; Amdt. 192-70, 58 FR 54528, 54529, Oct. 22, 1993; Amdt. 192-71, 59 FR 6585, Feb. 11, 1994; Amdt. 192-94, 69 FR 32895, June 14, 2004; Amdt. 192-94, 69 FR 54592, Sept. 9, 2004]

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May 21, 2010

*****AUTO**5-DIGIT 44124
01191 1 AV 0.335 T#000005
WILLIAM H BAUGHMAN
31541 EDGEWOOD RD
PEPPER PIKE OH 44124-5117



ACCOUNT NO:
4500014919225
SERVICE ADDRESS:
31541 EDGEWOOD RD
PEPPER PIKE OH 44124-5117
METER NO: 18252265

Subject: We Need To Check the Inside Service Line

It's been some time since we read or inspected the inside gas meter and piping. The U.S. Department of Transportation (DOT) requires us to perform a leakage survey up to and including the gas meter at least once every three years.

Please call (800)362-7557 Monday through Friday from 7:00 a.m. through 7:00 p.m. to schedule an appointment.

Your cooperation will help us make sure the meter is safe and accurate. Thank you.

Sincerely,

Customer Service Center
Dominion East Ohio

lmr039

Magistrate Judge William H. Baughman, Jr.
United States District Court for the
Northern District of Ohio
801 West Superior Avenue 10A
Cleveland, OH 44113-1846

CLEVELAND OH 44113
APR 27 1994



Mr. Neil Eisner
Assistant General Counsel for
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United States Department of Transportation
1200 New Jersey Avenue S.E.
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