



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

FEB 13 2012

Mr. Gary A. Kenny, PE
Gas Safety Manager
State of Maine
Public Utilities Commission
18 State House Station
Augusta, ME 04333-0018

Dear Mr. Kenny:

In a letter to the Pipeline and Hazardous Materials Safety Administration (PHMSA) dated June 10, 2011, you asked for an interpretation on the applicability of 49 CFR 192.1(b)(5) to a configuration of three hotel and/or motel rooms that are served by a liquefied petroleum gas (LPG) tank and its pipeline system. You provided a diagram of the pipeline system and described the diagram as follows:

- Three hotel/motel guest rooms served by stubs off a common pipe;
- Each guest room exits directly to the outside and they are not connected to any other structures;
- Each stub provides LPG to a combination heating/cooling appliance in each of the guest rooms;
- There are no meters; and
- The tank(s), all piping, and the building are on private property.

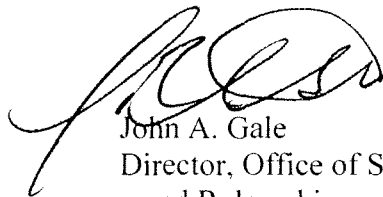
Section 192.1(b)(5)(i) states that Part 192 does not apply to any pipeline system that transports only petroleum gas or petroleum gas/air mixtures to fewer than 10 customers, if no portion of the system is located in a public place.

In the diagram given, each room would constitute a customer. Because the LPG system serves three customers which is fewer than 10, it would be exempted from the Part 192 requirements if no portion of the system was located in a public place. However, churches, schools and commercial buildings are considered to be public places under the regulations. Hotels/motels are

commercial buildings and, therefore, are public places. The diagram does not meet the exemption and the system would be a regulated system.

I hope that this information is helpful to you. If I can be of further assistance, please contact me at (202) 366-4046.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Gale', written in a cursive style.

John A. Gale
Director, Office of Standards
and Rulemaking



STATE OF MAINE
PUBLIC UTILITIES COMMISSION

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June 10, 2011

Mr. Jeffery D. Wiese
Associate Administrator for Pipeline Safety
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Ave., S.E.
Washington, D.C. 20590

RE: Interpretation of 49 CFR, Part 192, §192.1(b)(5)

Dear Mr. Wiese:

Earlier this year, the Maine Public Utilities Commission advised you of legislation proposed by propane suppliers in conjunction with the Maine Energy Marketers Association (MEMA) regarding the safety jurisdiction over liquefied petroleum gas (LPG) distribution systems. The Maine State Legislature's Energy, Utility and Technology Committee has requested that MPUC staff work with MEMA representatives to develop a mutual understanding of the scope of enforcement of 49 CFR, Part 192, §192.1(b)(5).

Specifically, we are seeking PHMSA's opinion regarding the jurisdiction of hotel and/or motel rooms that are served by LPG distribution systems. Attached you will find a diagram of a scenario developed by MPUC staff and MEMA representatives which includes the specifics of the opinion requested.

Your assistance on this matter will be greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Gary A. Kenny".

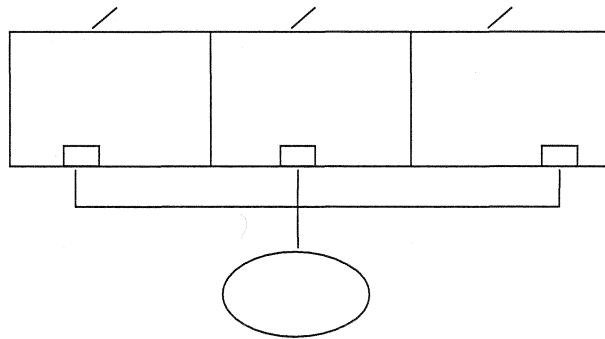
Gary A. Kenny, P.E.
Gas Safety Manager

cc: Jamie PY, MEMA
Carl Bisson, MEMA

Attachment

Attachment to
June 10, 2011 Letter to
Mr. Jeffery D. Wiese

The following scenario has been developed by MPUC staff and MEMA representatives:



Please provide an opinion if the LPG distribution system sketched above is under the safety jurisdiction of 49 CFR, Part 192 as defined by the exclusions in §192.1(b)(5) and based on the following criteria:

- Three hotel/motel guest rooms served by stubs off a common pipe.
- Each guest room exits directly to the outside and they are not connected to any other structures.
- Each stub provides LPG to a combination heating/cooling appliance in each of the guest rooms.
- There are no meters.
- The tank(s), all piping and the building are on private property.