

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Public Service Commission

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Gas Safety

5. Rule numbers or rule set range of numbers:

R 460.20101 - R 460.20606

6. Estimated time frame:

6 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

In order for Michigan to maintain jurisdiction over gas pipeline facilities and transportation, the state must certify that it has adopted each applicable federal standard or is taking steps to adopt that standard. 49 USC 60105(b)(2). Failure to adopt the updates to the federal standards will eventually lead to reduction or termination of federal funding to the state to carry out enforcement of these standards. In addition, failure to maintain local jurisdiction over pipeline regulation will mean that pipelines located in Michigan will be forced to submit to federal regulators located in Washington D.C. or other out-of-state locations. Thus, the primary purpose of these amendments is to adopt by reference current federal regulations governing gas safety, along with updating certain other technical standards contained in the rules.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

The Michigan Public Service Commission is required to promulgate rules and prescribe safety standards for pipeline facilities and the transportation of gas under 1969 PA 165.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

By authority conferred on the public service commission by section 2 of 1969 PA 165, MCL 483.152, and section 231 of the executive reorganization act of 1965, 1965 PA 380, MCL 16.331, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, 2011-4, and 2015-3, MCL 445.2001, 445.2011, 445.2025, 445.2030, and 460.21.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

49 USC 60105(b)(2) provides that the state retains jurisdiction over gas pipeline facilities and transportation as long as the state certifies that it has adopted each applicable federal standard or is taking steps to adopt that standard. MCL 483.152 provides that the MPSC shall promulgate rules and prescribe safety standards for gas pipeline facilities and transportation.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

These rules and proposed amendments do not conflict or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The rules and proposed amendments are not the subject matter of the rules contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

The rules listed are on the department's annual regulatory plan to be processed for the current year.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

These rules and proposed amendments do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The rules do not incorporate the recommendations received from the public regarding any complaints or comments regarding the rules.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

Similar amendments adopting the reference to federal regulations were formally adopted in February of 2022.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

There are no changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No