

Michigan Office of Administrative Hearings and Rules

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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file an RFR with the Michigan Office of Administrative Hearings and Rules (MOAHR) before initiating any changes or additions to the rules. Please submit the RFR to orr@michigan.gov.

1. Agency Information:

Agency name:	Department of Licensing and Regulatory Affairs
Division/Bureau/Office:	Public Service Commission
Name, title, phone number, and e-mail of <u>person completing this form</u> :	Alissa Day, Administrative Law Specialist 517-284-8085, daya@michigan.gov

2. Rule Set Information:

Title of proposed rule set:	Technical Standards for Gas Service
Rule number(s) or range of numbers:	R 460.2301 through R 460.2384
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes

3. Estimated timetable for completion, or statutory deadline, if applicable:

12 months

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

<p>These rules apply to natural gas utility service provided by utilities that are subject to the jurisdiction of the Public Service Commission. The rules are intended to promote safe and adequate gas service to the public, to provide technical standards for uniform and reasonable practices by gas utilities, and to encourage efficiency and safety. Changes to these rules are supported by the Commission and by the regulated industry. The most significant issue these amendments will address is the out-of-date technical standards referenced in the current rules. In addition, to accommodate evolving conditions in the energy industry, a waiver provision has been added to the rules. The Commission is also proposing to update the rule concerning statistical sampling of customer meters to provide utilities the option to select among various standards for meter selection and testing. And, the Commission proposes to establish a standard for the allowable concentration of oxygen in natural gas to address concerns about corrosion and costly damage to gas storage facilities. Finally, the Commission is proposing a security rule to address concerns about cybersecurity. This proposed rule is largely identical to the cybersecurity rule that has been promulgated in the Technical Standards for Electric Service.</p>
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5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

These rules are promulgated pursuant to the Commission's authority under MCL 460.6 and MCL 483.152.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

These rules do not conflict with or duplicate rules or regulations adopted by the state or federal government.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

No, however the rules adopt by reference certain national engineering and technical standards.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

These rules will be promulgated under the “full” rulemaking process as provided in the Administrative Procedures Act.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

There is no Advisory Rules Committee applicable to these rules.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

There is no applicable decision record for these rules.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim
Department of Licensing and Regulatory Affairs

↓ To be completed by MOAHR ↓

Date RFR received:7-16-2019

Based on the information in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR.

MOAHR assigned rule set number:	2019-061 LR
Date of approval:	7/18/19

Based on the information in this RFR, MOAHR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	