



Oregon

John A. Kitzhaber, MD, Governor

Public Utility Commission

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Shawn M. O'Neil
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RE: Request for Records under Oregon's Public Records Law, ORS Chapter 192

The Public Utility Commission of Oregon (PUC) has received your request to inspect and obtain copies of all records pertaining to the Kinder Morgan Pipeline. Because that pipeline is used to transport petroleum fuel products, and not natural gas, the PUC has no records in its custody or control subject to your request.

Pipeline safety is governed through a federal/state partnership. The federal government establishes minimum pipeline safety standards under the U.S. Code of Federal Regulations (CFR), Title 49 "Transportation", Parts 190 - 199. The Office of Pipeline Safety (OPS), within the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA), has overall regulatory responsibility for natural gas and hazardous liquid pipelines. Petroleum fuel products are classified as hazardous liquids.

While OPS regulates all aspects of interstate pipeline safety, states may assume intrastate responsibilities under an annual certification from the OPS. ORS 757.039(3) authorizes the PUC to enter into agreements with OPS to regulate facilities used to transport both natural gas and hazardous liquids within Oregon.

The PUC has used this authority to participate in OPS's natural gas pipeline safety program. The following link shows Oregon's certification in this program:
<http://phmsa.dot.gov/portal/site/PHMSA/menuitem.ebdc7a8a7e39f2e55cf2031050248a0c/?vgnextoid=60dc8f4826eb9110VgnVCM1000009ed07898RCRD&vgnnextchannel=a576ef80708c8110VgnVCM1000009ed07898RCRD&vgnnextfmt=print>

The PUC has not, however, obtained certification to assume oversight of pipelines used to transport hazardous liquids. Thus, OPS inspects and enforces the safety



regulations for all interstate pipelines and intrastate pipelines used to transport hazardous liquids. The PUC inspects and enforces safety regulations for intrastate pipelines used to transport natural gas.

This split in pipeline safety oversight is consistent with most other states. Although all contiguous states have assumed oversight of intrastate natural gas pipelines, only 14 regulate intrastate hazardous liquid pipelines. This is shown in the "Hazardous Liquid Program" tab located on the link above.

OPS may authorize a state to act as its agent to inspect interstate pipelines. On one occasion, OPS deputized the PUC to perform an inspection of the Kinder Morgan Pipeline. On that occasion, the PUC employee was acting under the jurisdiction of OPS, which retained responsibility for enforcement of the regulations. All records related to the inspection were sent to OPS and not retained by the PUC.

For these reasons, the PUC does not have any records in its possession pertaining to the Kinder Morgan Pipeline.

Please let me know if I can be of further assistance.



Michael Grant
Chief Administrative Law Judge
Public Utility Commission of Oregon