

UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION

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PIPELINE AND HAZARDOUS MATERIALS  
SAFETY ADMINISTRATION

GAS PIPELINE ADVISORY COMMITTEE

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PUBLIC MEETING

PIPELINE SAFETY: EXPANDING THE USE OF EXCESS  
FLOW VALVES IN GAS DISTRIBUTION SYSTEMS TO  
APPLICATIONS OTHER THAN SINGLE-FAMILY RESIDENCES

DOCKET NO. PHMSA-2011-0009

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THURSDAY  
DECEMBER 17, 2015

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The Advisory Committee met in Room  
E27-302, 1200 New Jersey Avenue, SE, Washington,  
D.C., at 1:00 p.m., Paula Gant, Chairperson,  
presiding.

PRESENT

- PAULA GANT, Chairperson
- CHERYL F. CAMPBELL\*
- SUSAN L. FLECK\*
- ROBERT KIPP\*
- RICHARD F. PEVARSKI\*
- DON J. STURSMA\*
- RICHARD H. WORSINGER\*
- CHAD J. ZAMARIN\*

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ALSO PRESENT

JEFF WIESE, Designated Federal Official  
JOSHUA ARNOLD, PHMSA  
JOHN GALE, PHMSA  
MICHAEL ISRANI, PHMSA  
ROBERT JAGGER, PHMSA  
MAX KIEBA, PHMSA  
CHARLES KOVAL, NTSB  
ERIN KURILLA, AGA  
ALAN MAYBERRY, PHMSA  
JANICE MORGAN, PHMSA  
JULIA PAAJANEN, PHMSA  
SAYLER PALABRICA, PHMSA  
ELOISE PATEL, PHMSA  
SEAN PEIRCE, Volpe\*  
FORREST PITTMAN, PHMSA  
MICHELLE SCHWARTZ, PHMSA  
CAMERON SOUTHWAITTE  
CHERYL WHETSEL, PHMSA  
NANCY WHITE, PHMSA  
CHRISTINE WYMAN, AGA

*\* present via teleconference*

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Meeting Adjourned

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P-R-O-C-E-E-D-I-N-G-S

(1:13 p.m.)

MR. WIESE: Okay. Good afternoon, everyone. Thanks for enduring a few of our technical challenges here. We're continuing to learn and work these things out so they'll work smoother.

Our apologies for conducting a telephone vote, but we wouldn't do it if we felt this was a controversial provision. We didn't want to waste your day, your dollars, our dollars, to have what turns out to be what we think will be a relatively noncontroversial vote.

So, good afternoon. My name is Jeff Wiese. I am the Designated Federal Official and I'm speaking to you informally now. We haven't started the official proceedings. Just wanted to make a couple of comments, if I may.

I wanted to wish you a good afternoon from our new leadership, Marie Therese Dominguez. She is engaged here in the building on some other stuff, but she may drop by. I hope so. Michelle

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Schwartz is here. Michelle is her senior advisor and welcome her as well.

We have a number of the members online. I think all the members can probably see who else is in attendance, right, from the live meeting, and we've got a lot of staff around here.

I'll actually go around the room, this is before we start the meeting, and just do an informal kind of introduction. So, mostly so the members and members of the public who are participating remotely will know who's in the room.

So, maybe we'll start with myself. I'm Jeff Wiese. I'm Associate Administrator for Pipeline Safety here at PHMSA.

CHAIR GANT: Good afternoon. Paula Gant. I am the Principal Deputy Assistant Secretary for International Affairs at DOE just recently moved out of the Office of Oil and Natural Gas.

MS. WHETSEL: Cheryl Whetsel. I'm the advisor for the manager.

MS. WHITE: Nancy White, Senior Policy

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Advisor for Policy and Programs, Office of Pipeline Safety.

MR. MAYBERRY: I'm Alan Mayberry, Deputy Associate Administrator for Policy and Programs here at PHMSA.

MR. ISRANI: Mike Israni. I'm a Senior Technical Advisor, PHMSA.

MR. GALE: John Gale, Director, Standards and Rulemaking, Office of Pipeline Safety.

MR. JAGGER: Robert Jagger, Technical Writer, Standards and Rulemaking.

MR. SOUTHWAITE: Cameron Southwaite, Standards and Rulemaking.

MR. PALABRICA: Oh, I'm Saylor Palabrica. I am with Unispec with Standards and Rulemaking.

MS. PAAJANEN: Julia Paajanen, a technical writer with Unispec in the Office of Pipeline Safety.

MR. KIEBA: Max Kieba, engineer, Engineering and Research Division, Pipeline

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Safety.

MR. ARNOLD: Josh Arnold, Office of Pipeline Safety.

MS. KURILLA: Hi, I'm Erin Kurilla with the American Gas Association.

MS. WYMAN: Christine Wyman with the American Gas Association.

MR. PITTMAN: Forrest Pittman, attorney with Office of Pipeline Safety.

MS. SCHWARTZ: Michelle Schwartz, Senior Advisor, PHMSA.

MR. KOVAL: Chuck Koval, NTSB.

MR. WIESE: Okay. That's who we have here. And I think, John, you've done -- do you want to do the roll call again, or do you think you have everybody?

MR. GALE: I think we have everybody, yes.

MR. WIESE: Okay. Anyone who hasn't previously acknowledged John that have joined, feel free to speak up. Otherwise, we're probably going to get going.

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I do want to remind people that once I turn it over to Dr. Gant, the meeting will officially commence and we'll be recording the whole thing. It will be placed in the docket for this rulemaking, which I'll give you the number in just a second, but the principal purpose of gathering today is to gather the advice from our Federal Advisory Committee.

People will -- members of the public will be given an opportunity to comment at the appropriate time, but I would urge you to wait for that moment. Again, our principal purpose is to have a discussion with the members of the Advisory Committee.

I would remind you if you do have something to say whether you're a member or not, keep your remarks relatively brief, you know, that you identify yourself each time particularly since it's a phone vote. Sometimes it's difficult for the court reporter to know who's speaking.

And if you're a member of the public when we come to the public comment period, it will

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really be asking you for short comments, you know.

If you have a question, I guess we can try to entertain it, but it's more about comments you want to put to the record. If necessary if we're running long, you know, we may kind of hurry it along, but I think we'll have plenty of time this afternoon.

So, again a reminder the meeting is being recorded. So, introduce yourselves so you'll be acknowledged in the transcript. The transcript and any presentations we use will be available on the PHMSA website and on the e-gov docket at [www.regulations.gov](http://www.regulations.gov). For your reference, the docket number is PHMSA, P-H-M-S-A, 2015-0173.

So, with that, I think I will turn it over to Dr. Gant and we'll begin the meeting. So, thank you very much.

CHAIR GANT: Great. Thank you, Jeff. And thanks to those who have convened on the phone and here in the room today. This is a meeting of the Gas Pipeline Advisory Committee.

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Again I'll ask to make sure that everyone has muted their phones to alleviate background noise. And those in the room, turn off your ringers, buzzers, bells, notifying mechanisms.

Today the action before us is to vote on the Notice of Proposed Rulemaking concerning excess flow valves for multi-residential and commercial applications.

A quorum is present for the meeting. A quorum is established if a majority of the Committee Members are in attendance. And we've established that through the roll call. So, with that, the meeting will be officially called to order.

So, I would like to turn to the first agenda item -- excuse me, the second agenda item, which will be a briefing from Mike Israni on the Notice of Proposed Rulemaking, and that we will follow that with a question-and-answer period. Mike, over to you.

MR. ISRANI: Okay. PHMSA's

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regulations on public awareness, damage prevention and distribution integrity management help reduce the likelihood of failure in distribution pipeline. However, the excess flow valve rules would minimize consequences of failure. So, likelihood and consequences, they can reduce the risk of pipeline failures.

Next slide. Let me start with a brief history of excess flow valves. Excess flow valves have been with us for decades, you know. If you'll notice that from 1970 through 2001 NTSB has issued more than 10 recommendations on excess flow valves.

And the most recent one being P-01-2, which is the excess flow valves for larger applications. And that's being addressed in this proposal.

So, in the past, excess flow valve installation was not supported, because EFVs were not considered reliable. There were concerns about unintentional closing of these valves causing pilot burners to go out. And, you know, then you had to relight all the pilots and deal with

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all the public complaints.

And also operators believed that EFVs can interfere with the O&M activities like blowing liquids through the pipeline and will not function.

Also there was concern about these EFVs will freeze in the cold climate in cold weather. And also, most of all, the cost-to-benefit numbers were too high.

And as for the larger application EFVs are concerned, there was limited availability of this valves and they are difficult to size because of varying loads. And also they do not work when the pressure is below 10 psig.

Next slide. Very briefly I will tell you that PHMSA has not been sitting quiet, you know. We have for the last 25 years been involved in excess flow valve issues.

If you notice in the slide that all the way in December 1990 we issued the Advanced Notice of Proposed Rulemaking seeking information on these valves. And very first NPRM on excess flow valves we published in 1993 together with the

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performance standards, but it was very strongly objected by states, as well as industry, for the reasons I showed you in the previous slide.

So, in 1998 we first published Excess Flow Valves for Customer Notification. Many customers were notified that these excess flow valves are available. And when they pay for it, they'll have excess flow valve.

And since then we have had several study teams formed who are studying mandatory installation of EFVs.

We had the NRRI, which is the National Regulatory Research Institute, based in Columbus, Ohio, and they work for NARUC (phonetic) research projects, did a couple of studies and surveys on EFVs.

And we have final rule on excess flow valves for single-family residence, which was recently issued in 2009 along with the Distribution Integrity Management Rule.

And subsequent to that we have had meetings with the stakeholders, we have had public

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workshops and we issued the Advanced Notice of Proposed Rulemaking on EFVs in 2011. And now we have this July 2015 issue the NPRM.

Next slide. So, what is an excess flow valve and what is a curb valve? Excess flow valve is a device that automatically shuts off gas when pipe ruptures mainly due to excavation damage.

And the curb valve is a manually operated valve. You have to manually shut off the gas supply and the service. We are using curb valves in this proposal on large applications.

Next slide. So, here is a pictorial view of how excess flow valve functions, you know. In the top you see the open position of these valves, and in the bottom you see the closed position of the valves. So, this excess flow valve is a spring-loaded plunger which works on the pressure differential.

When your line ruptures on the downstream side of the line, then your atmospheric pressure on the upstream side, your 10 to 60-pound pressure, is a pressure differential that pushes

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the plunger against the seat and shuts off the gas supply.

Next slide. And here is a pictorial view of a typical curb valve. As you notice, this valve is located very close to the main pretty much where excess flow valve would have been at the fitting.

And this is typically what is used, the curb valve, for most services all the way up to two inches lines. And two inches line can pass as much as 15,000 standard cubic foot per hour. And we have limited in this rulemaking over 1,000 to use curb valves.

Next slide. So, where are EFVs currently required? Pipeline Safety Act of 2006 made it mandatory to install EFVs on single-family services. And together with the Distribution Integrity Management Rule we issued installation of excess flow valves for single-family residences.

So, this rule got published in December of 2009 and became effective from February 2010.

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Next slide. So, now we come to our proposal. This 2011 Act and the NTSB recommendations are displayed here on this slide. It was in Section 22 of the Act which required excess flow valves for new or replaced branch service lines on multi-family, small commercial facilities where it's economically, technically and operationally feasible.

You notice a difference between NTSB language and the Act language. NTSB required that EFVs on all new and replaced service lines regardless of customer classification.

Regardless of customer classification means everything; apartment buildings, offices, schools, hospitals, nursing homes, commercial facilities and industry.

Next slide. So, comment summary. We had the NPRM issued on July 15th and comment period ended September 14. And we have received comments from 12 entities, mostly trades, industry, NTSB and Pipeline Safety Trust on the public side.

Next slide. Comment summary. We

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noticed the majority of the commenters support our proposal for expanding excess flow valves beyond single-family homes.

And we also notice that operators feel that these requirements that we have in the proposal are reasonable and practical assuming that minor clarifications are made and changes are made in the rulemaking.

So, we believe the majority of the commenters, majority of the comments we had, they are minor in nature and those can be easily addressed by us in the final rule.

So, today we're going to emphasize on only three major topics where operators had some concerns. And those three topics are the curb valve accessibility to first responders, curb valve maintenance, and evidence of notification documentation.

Next slide. And this slide lists all the major topics and the minor topics. The minor topics you notice are the effective date which we put in the rulemaking, you know, sometime in 2014.

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There were questions raised about where the valve is not visible to install excess flow valve, why we notify customers.

And there were some questions about authority, who has the authority to determine cost recovery, because we in the proposal mention states. I'm going to go through these slides and explain to you some details on that.

And also, how are the existing customers notified? And also on the flexibility of operators and a choice to install EFVs when services exceed 1,000 standard cubic foot per hour.

Next slide. So, very first major topic of concern to operators is the curb valve accessibility to first responders.

Now, NTSB and Pipeline Safety Trust, they are happy with this. They like this access to first responders, but the -- most operators feel that this is against their policy and we should not put this in the regulation that the first responders have to operate curb valves.

They believe that they may accidentally

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close the wrong valves and then be coupled with all the consequences or outages.

Now, PHMSA experience, though, indicated that first responders are first to arrive at the scene of the incidents, and they could minimize consequences with quick response and that -- with that in mind and also noticing that NTSB also strongly feels that we should have first responders to be able to operate these valves.

Next slide. The next measure -- topic of concern to operators is the curb valve maintenance. Although we do not specifically call out in our proposal, but this has already been in the Code since 1970 that all the distribution pipeline curb valves which are essential for these services, they should be able to -- they should be able to be maintained and operators should monitor those, inspect those on a yearly basis not exceeding 15 months.

So, operators are inquiring whether this requirement really applies to these curb valves use in lieu of excess flow valves.

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And our understanding is that excess flow valves are being introduced in lieu of -- these curb valves are being introduced in lieu of excess flow valves. So, they are important. They are serving an important function of shutting off the supply in emergencies.

So, we automatically assume and we believe that operators will be following 192.747 requirement, but the question has been raised on that.

Next slide. So, third major topic of concern is the documenting evidence of customer notification. Operators feel that it wasn't clear in the proposal how this evidence should be documented. They feel that they may have to keep copy of each and every notice that they send to customers.

That wasn't our intent and we will clarify the language. And we don't care how operators keep the listing, whether it's electronic listing or a paper listing, so long as they have a sample of these notice that they have

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sent and they can show it to -- show the evidence to the inspector when they come on board that they have sent this notice to the operators.

There was also concern raised by small operators, especially LPG operators, who feel that the record-keeping for these LPG operators should be left to their best practices and not what we require them to do.

And next slide. So, now we come to some of the minor topics and I'll quickly go through these about effective date. You may notice that in the rulemaking we put January 3rd, 2014, which has already passed, operator install EFVs.

The purpose we put this in the rulemaking was because the Act required that after two years PHMSA required operators to install EFVs. So, that date was January 3rd, 2014. But we looked at that and we will try to give operators what they have commented on this meaning to install these valves after the effective date of the rule.

Next slide. Notifying customers where EFV installation is not feasible. So, here the

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question has been raised -- there are some operators -- there are some customers where line pressure may be lower than 10 pound pressure or they may have that subdivision where excess flow valve is not feasible to install.

Why notify them since we had a blanket statement that they're to notify all existing customers?

So, we would -- we intend to clarify this in the rulemaking. Pretty much it will be left to the operators if they want to notify them. Probably convenient for them to notify all. But if they want to not notify those where EFVs are not installed, it will pretty much be left to them, but we will address this in the final rule.

Next slide. Some operators feel that we should notify, we should put in the regulation that the customer bears the cost. We didn't want to get into that. We wanted to leave it to the local jurisdiction.

Although in the proposal, we mention state jurisdiction and we're going to clarify on

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that part and we don't think this will be a major issue.

Next slide. Who has the authority to determine the cost recovery? Again, this is connected to this comment I said before. We mentioned state regulatory, but we're going to clean up that language and put the state agency, local jurisdiction or the body that approves the gas rates. So, I don't think we'll have any problem with that change.

Next slide. How are the existing customers notified? You know, again we don't have a response about any specific method of notification, how operator approaches, you know, we expect operators to, you know, put this notice within the bill or some other means.

We have explained that in the preamble language, but operators can follow their method so long as they have way to identify that they have done this.

Next slide. Installation flexibility. As I said, some operators feel that

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they would rather put EFV on the lines which are greater than 1,000 standard cubic foot per hour and we have absolutely no problem with that. We would prefer that.

The reason we put 1,000 standard cubic foot per hour threshold, because majority of the commenters feel that we were -- major commenters feel that that should be the threshold, and beyond that we should not require EFVs. But if operators can find some EFVs which are suitable, we have absolutely no problem with that.

And with that, I finish my presentation on the topics which are in the proposal.

CHAIR GANT: Thank you, Mike. Appreciate that. Very thorough summary in detail of the proposal. What we'd like to do first is ask for questions and comments from members of the Committee.

And then after that we will open it up to questions and comments from members of the public. So, Jeff.

MR. WIESE: I'd like just one

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clarification. Spoken as someone who has executed a lot of implementation for these rules once they come out, I just want to make clear on one point is that I think most regulatory bodies, including states and the federal government, the operator is at liberty to make a call about who they notify about things. They should have a methodology and documented methodology that they can demonstrate to inspectors.

So, it's not willy-nilly just if you want to do it. It's you need to have a methodology that covers the risks that were identified in the rule and then tell us how it was implemented.

I think any of the states who -- and the states are dominantly the ones who will be looking for evidence that the operator made a legitimate effort to contact people.

CHAIR GANT: Thank you, Jeff. And so, I'll open it up to members of the Committee for comments and questions. And, again, I'd like to ask you to state your name and affiliation when you speak.

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MEMBER WORSINGER: Hi, this is Rich Worsinger and I'll be happy to start the comment period. Can you hear me okay?

CHAIR GANT: Yes, we can. Thank you.

MEMBER WORSINGER: You're welcome. My concern is with the maintenance of curb valves. If I'm correct, this was not included in the cost-benefit analysis; is that correct?

MR. ISRANI: We --

MEMBER WORSINGER: I guess that question could be for Mike.

MR. ISRANI: Yes. Yeah, we at PHMSA feel this requirement which is currently in the regulations and as I've showed on the slide how the curb valve services are pretty much below two inches line, quarter-turn valves, and we didn't feel that, you know, yearly checking on those valves, which are important here because we are substituting them for excess flow valves for really important services, we feel that they should be maintained, you know.

A valve in -- a curb valve in the line

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which does not function has no value. So, we feel that it should be maintained.

As far as the cost is concerned, as I said, these are simple, you know, quarter-turn valves. We don't believe there would be much cost to inspect these.

Especially then this can be combined with the other inspections that operators do on a yearly basis. For example, they go for rectified monitoring every year. They go for patrolling so many times a year. So, they can be combined with that.

MEMBER WORSINGER: Well, this is Rich Worsinger again. I don't believe there is any requirement that we check every service every year. So, we're not necessarily going to be visiting each curb valve location annually.

And my recommendation is that PHMSA go back and do the cost-benefit analysis for doing the maintenance of the curb valve and then that be included in their analysis.

MR. GALE: Rich, John Gale here.

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MEMBER WORSINGER: Yes, John.

MR. GALE: Could you recommend maybe trying it to some other kind of check that operators do on a maybe not annual basis, but other -- some other recurring basis?

MEMBER WORSINGER: That would certainly be much more acceptable. We are, as an example, performing a leak survey. If memory serves, it's once every five years outside the business district. That would be more acceptable, but I still think PHMSA should go back and do that cost-benefit analysis.

And while we're on the topic of cost-benefit analysis, I'd also like to bring up the analysis that PHMSA did that states that curb valves will have prevented 90 percent of the fatalities, injuries and property loss and the 13 reportable incidents between 2004 and 2011.

And first my question on this topic is, who did this cost-benefit analysis, John? Was that somebody on PHMSA staff, or was that farmed out?

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MR. GALE: We work with our contractors in Volpe who are also on the line with us.

MEMBER WORSINGER: Okay. When I took a look at these 13 reportable incidents, and I'm not going to read through all of them, but the majority of them it's clear that I don't think anybody took a deep dive on each of these incidents.

And it's clear that having a curb valve there would have not prevented the accident, the deaths, the injuries. And if you can bear with me for a minute, I'll be happy just to touch on a couple of them.

One is the Evansville, Indiana, I believe it is. Two deaths. One injury. No property loss reported. According to the incident report, excavator working on roads pulled a one-and-a-quarter-inch steel service from a compression coupling at the service T.

Since the curb valve would have been located downstream of the service T, having a curb valve at this location would not have been of any use to anybody responding.

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Another is the Milan, New Mexico. One death. \$3,000 property loss. According to the incident report a car turned onto Berryhill Road at a high rate of speed, lost control sliding down the road, overcorrected and ran into a meter located at the property lying in front of the house destroying the meter and breaking the service line at the stop.

Driver died at the scene due to injuries sustained in the car crash. Three other occupants of the car were sent to the hospital. Two refused care and left the hospital. Third was treated and released.

The deaths were due to the injuries of the car crash. Having the curb valve there would have had no impact on the accident.

And I don't want to take up any more time, but if you would read through all 13 incidents that were referenced, I think you'll agree with me that the majority of them would have -- having a curb valve there would have no impact.

And I, therefore, ask that if you're

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going to do the cost-benefit analysis on the maintenance, you also revisit the cost-benefit analysis of --

MR. GALE: Thank you, Rich.

MEMBER WORSINGER: -- the curb valve.

MR. GALE: I appreciate that, Rich.

If you bear with us for a moment we'd like to actually allow our Volpe representative, Sean Pierce, to make a comment to your questions. Sean.

(No response.)

MR. GALE: Sean Pierce, are you on the phone?

THE OPERATOR: Mr. Pierce, if you're on the phone, you may press star zero.

(Pause.)

THE OPERATOR: And he has signaled he's on the line. He'll be with us shortly.

MR. GALE: Okay.

(Pause.)

MR. GALE: And, Rich, just in general, as you know, you know, we examined a lot of incident data when we did this rulemaking and we appreciate

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your comments. And we will surely, you know, clarify anything that, you know, you believe is incorrect or we discover is incorrect.

With that being said, do you think that those changes would change your position as with regard to should we move forward with this action or not in regard to curb valves?

MEMBER WORSINGER: I think that PHMSA should re-look at their cost-benefit analysis and see whether these accidents that are referenced would have been affected --

MR. GALE: Sure.

MEMBER WORSINGER: -- if there was a curb valve there.

MR. GALE: No, I get that.

MEMBER WORSINGER: If I could, John. And if your analysis says that they would have had no effect, then I would suggest that PHMSA needs to revisit the requirement to add a curb valve.

If the cost-benefit analysis is proven to be of no benefit, then I think you have to revisit the adding curb valves.

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MR. GALE: Sure. I see your point, but of course obviously, you know, cost-benefit is one point, you know, one part of the process when we do these type of actions and there's other factors to go into making good public policy statements.

So, just curious as to know what your opinion would be. Do you think that these are valves that we would want to add into the distribution system? Because, I mean, all the comments, you know, are almost universally in agreement that we should do this.

MEMBER WORSINGER: Again, John, I think we got to go back to the cost-benefit analysis, you know. There's many different things we can do in the area of improving safety, but we want to make sure what we're doing has the best benefit.

If this does not provide the benefit to safeguard our systems, maybe those dollars are better spent somewhere else.

MR. ISRANI: Rich, this is Mike Israni. Just one comment to make. These two incidents that

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you have cited, was the flow less than 1,000 standard cubic foot per hour for those services? If it was, then it requires excess flow valve, not curb valve.

See, we looked at this curb valves only for larger application, you know, the applications where you have schools, hospitals, nursing homes, apartment buildings, offices where flows are much more than that.

MEMBER WORSINGER: Mike, I'm looking at the cost-benefit analysis in the incidents that PHMSA referred to. So, this is PHMSA's incidents that they are saying a curb valve would have prevented these -- the property loss, the deaths, or minimized them.

If you did not -- if PHMSA did not select applicable incidents to review, I suggest you all need to revisit this.

MR. GALE: Sean Pierce, have you been able to get on the line, sir?

MR. PIERCE: Can you hear me now?

MR. GALE: Yes.

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MR. PIERCE: Okay. Yeah, you know, we collect a lot of incident data, but we don't -- it doesn't always necessarily align with each rulemaking analysis that we're trying to do.

We try to apply reasonable filters to the data to grab the right incidents that are relevant for EFVs and for curb valves, but there is some uncertainty there. And so, it's a fair point.

There are also incidents that we may have also -- that would have been prevented, but that we excluded for other reasons or where the data was limited.

We tried to address this by - in part by having sensitivity testing on the effectiveness, right, for the curb valves.

MR. WIESE: This is Jeff. Just forgive me for stepping in. I would just like to say Rich, you know, has raised a fair point, you know. He's asked us to take another look at it. Rich, we will do that, you know.

I do want to say that I think John's

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point is still valid, you know. We're not always looking back over our shoulder. We're looking ahead, you know. And a lot of the opportunity that we have for the curb valves are not a terribly expensive thing.

And the maintenance, I think you understand and you would agree, Rich, I know that if you install a valve, you want to maintain it. It does you no good when you really need it if it's not maintained. And we've all seen plenty of instances of that.

So, some of what we are doing is looking ahead trying to prevent things from happening, mitigate the consequences and, yes, will not stop all this, incidents of people driving into meters.

And so, it probably won't help for the person involved directly in the impact, but what we've seen -- and I would just remind you I'm sure you've seen it, too, Rich, is that the gravity of the damage from the event is greatly mitigated when the gas flow is shut off, you know, really quickly.

So, could be, you know, other parties

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that were injured or structures that were destroyed or whatnot. So, the real issue involved there is shutting the gas flow off as soon as you can. I'm sure you would agree. So, thank you for your comment, Rich.

MEMBER WORSINGER: Jeff, I do agree that there are times when having a curb valve is of a great help. I can tell you in my career I've shut off a few personally --

MR. WIESE: I bet.

MEMBER WORSINGER: -- and they were accessible. And there have been times where they were not accessible, and that's very frustrating. But I simply think PHMSA needs to do a more thorough job if you're going to reference incidents, making sure that the incidents are applicable to the remedies that you're proposing.

MR. WIESE: Yes.

CHAIR GANT: Thank you, Rich. Duly noted. Are there other questions from the Committee members or comments?

MEMBER FLECK: This is Sue Fleck from

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National Grid. I got a couple of questions also.

CHAIR GANT: Thank you, Sue. Go ahead.

MEMBER FLECK: Okay. First of all, I want to -- I want to talk a little bit more about curb valves and one of my questions is really about the accessibility of first -- to first responders to operate in the event of an emergency.

And while on the surface that might seem like the right thing to do because they are there quicker and they could potentially save a little bit of time in shutting off the service, we have to keep in mind that we spend a lot of time and energy making sure that our personnel are qualified -- trained, qualified and understand our system before they operate valves and we don't have professional first responders in all the territories where we operate.

They could be volunteer fire departments. They could be people that are, you know, brought in occasionally to do this kind of work.

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And expecting that we would be able to train and qualify all those people to operate system valves in the event of an emergency, I think, is a burden that utility companies would be unlikely to be able to handle. And for that reason we prefer that those valves are only operated by utility personnel.

It is a task that we think needs more than just an emergency to give you the -- what you need to operate that valve.

A little farther on the maintenance, to Mike's point every valve we -- Mike Israni's point, every valve we install we're installing for a reason, but there are valves that are a higher level of concern that require more maintenance and more documentation.

And I don't believe that every curb valve necessarily falls into that needing to be inspected and operated every year. There could be time intervals.

And I think it was John's point that we have other people coming out there to do

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inspections. So, they could do the valve maintenance. Again, it drops down to an operator qualification issue.

The people that we have out there doing some of our inspections are not qualified to operate valves. They're qualified to do visual inspections, they're qualified to do leak surveys, they're qualified to do other kinds of tasks.

So, expecting them to also operate and inspect a valve that's buried is not realistic. So, I think we really do need to kind of consider those two points.

Not allowing first responders to operate valves unless they've been trained and qualified, and not assuming that every curb valve falls into the critical valve category and needs annual maintenance, I think those are important points.

CHAIR GANT: Thank you, Sue. Other comments from members of the Committee?

MEMBER CAMPBELL: This is Cheryl Campbell with Xcel Energy and I'm going to second

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Sue's comments. I absolutely agree that the valves are key. We need them in the emergencies. We need them to be able to operate properly.

I would request that we reconsider the first responders operating the valves. I think there is a lot of downside there and, frankly, no upside.

And then I also would like to say on the curb valves and the maintenance, I think if we could align them on a little bit differently -- a little bit different timetable, I think annual is going to be tough and it will have a much bigger impact than has been recognized in the analysis. So, I mean, if we could align it with something else.

But to Sue's point, a lot of times it's different -- different OQ and different personnel. So, you're not always going to have someone out there. So, bottom line, a little bit bigger impact -- lot bigger impact depending on the system than maybe has been recognized today.

MR. GALE: Thank you, Cheryl. John Gale again here. You said to align it with

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something else. Do you have any recommendations there to further that discussion a little bit?

MEMBER CAMPBELL: You know, I think that's an interesting question, John. I heard you say it earlier. I was thinking through that. I mean, it's easy to say, hey, I'm out there at a certain interval and leak survey, but, again, it's not necessarily the right people. So, I've been wracking my brain trying to think what makes sense with the maintenance on that.

And clearly if you're out there anyway, then that makes some sense that technology, right, I mean, people are looking at these new technological solutions to leak survey, which means you have even a different level of expertise if you're using the, you know, I'll call it the drive-by sensors. You're not necessarily going to have an 02 person out there.

So, I think this makes it sort of an interesting -- an interesting problem for those of us who have a whole bunch of these valves in our systems, but I -- John, I'm going to ask -- in fact,

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I was just writing an email to one of my experts saying, what do you think about this.

MR. GALE: Thank you, Cheryl. John Gale again here. And also we're going into comments on ER accessibility. We had some recommendations -- a recommendation from the American Gas Association submitted in their comments and we actually have it up on the screen here. We adapted it a little bit.

Do either Sue or yourself believe that -- or even Rich or yourself believe that the modification as suggested by the American Gas Association is something that can move this proposal forward?

(Pause.)

MR. GALE: We have it on the screen right now for you to see.

MEMBER FLECK: Thank you, John. This is Sue Fleck from National Grid. I like this wording, because what this allows us to do is if we're working with a fire department like the New York City fire department and we can get their

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personnel trained and qualified, then we can allow them to operate it, but this doesn't force it.

So, it gives the utility company the opportunity to work with emergency responders and/or to use company personnel when you take that, you know, if needed. I like that.

MEMBER CAMPBELL: And, John, this is Cheryl Campbell of Xcel Energy. I agree as I read this, I would find this a workable solution, yes.

MR. WIESE: John, this is Jeff. Can I just ask a question of the members? You know, I hear you and I understand what you're saying, but I've also seen events wherein the operator personnel couldn't get there very fast and the first responders were the first one on the scene.

So, I was trying to look for if you had any ideas that were considered, you know, that could be a compromise in situations like that.

And I think that Sue was touching on it by saying we are authorized by the company who knows, you know, if their person is stuck 30 minutes away or whatever, an hour away and they can't get

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there, the nearest person, but you've got a fire department on the scene and they're exposed and experienced and you can authorize them to shut off the valve, I mean, I could certainly see the value of that.

I understand what I'm saying there. You can't have the best of both worlds, maybe, but I hate to shut off the possibility of the first responder could shut off the valve particularly if the operator wanted him to.

MEMBER WORSINGER: This is Rich Worsinger with the City of Rocky Mount. First, on the AGA's wording, I am in agreement with that. I agree that we're better not referring to first responders at all in the rule, but letting the situation continue that I believe exists in New York where the New York Fire Department as part of their training, is trained to operate curb valves.

Jeff, in response to your question, you know, the City of New York is fortunate. They've got a highly trained, professional fire department, but that is not what exists throughout

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a lot of the country where there are volunteer fire departments. And the level of training can be much lower than what there is with a professional fire department such as in New York.

We have come a long way with operator qualification making sure that our people are qualified to do numerous tasks. I just think that that -- to try to expend that to the multiple, the numerous fire departments throughout the country would just not be doable.

MR. WIESE: Yes, so this is Jeff again. I'm not trying to -- and I appreciate that, Rich. I'm not trying to suggest that. So, I was trying to work with the language that was up there to give the operator the discretion to authorize a responder, you know, to shut off a valve in a bad situation where -- again, we've all seen those where the operator -- the company personnel can't make it there quickly enough and there's people -- there are people on the scene, you know.

I guess you'd want to make sure they knew what they were doing, but trying to find a way

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to authorize those -- and if you think -- operator personnel seems to me like it's restricted to the company, but I just don't want to take away your discretion from authorizing a quicker intervention.

CHAIR GANT: So, this is Paula. Can I ask a question of Sue? How would this language impact operations, for example, in New York City? Does it preclude your ability or undermine your ability for the trained fire department personnel to shut off the line?

MEMBER FLECK: Paula, this is again Sue from National Grid. I didn't think about it along those lines. It may. I wonder if there's an opportunity to say operator personnel or their designees or something where the operator personnel can assign that ability to another. I'm not sure.

CHAIR GANT: It seems to me that you want to preserve the ability to do that without requiring that first responders have the ability to do it.

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MEMBER FLECK: Right.

CHAIR GANT: Because you don't want them to have ability that they're not trained to execute on, but you wouldn't want to prevent those instances where you do have these relationships and very highly qualified personnel that you're capable of working with and conveying this authority to.

MR. WIESE: Yes, thank you.

MEMBER FLECK: Right.

MR. WIESE: That's what I was trying to say. You probably said it a little more articulately. I just -- I'm not trying -- trying to retain your discretion to do that.

MEMBER FLECK: So, maybe you can do that right there with accessible to the operator personnel or, you know, or somebody designated by the operator. I'm not sure, but I think you could put it right in there.

MEMBER CAMPBELL: This is Cheryl Campbell with Xcel. I -- or their designee. Maybe it's that simple, because, I mean, the

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reality is nobody wants the gas off faster than me in an emergency.

MR. WIESE: Right. Yeah.

MEMBER CAMPBELL: So, I mean, if I have somebody there that I know can do it, then absolutely.

MR. WIESE: Okay.

MEMBER CAMPBELL: And I think Sue and Rich and everybody would agree with that.

MEMBER FLECK: Yeah, and this is Sue again. Or another way to say it, I just -- I just -- I'm getting some notes texted over to me, or other qualified -- operator-qualified personnel.

So, then if we qualify a fire department or a plumbing, you know, plumber or something like that, then it would -- as long as it's a qualified person, that may be another way around it.

MEMBER ZAMARIN: Yeah, this is Chad Zamarin and my question was, wouldn't it have to be a covered task to have an OQ-qualified person?

MEMBER FLECK: Yes.

MEMBER ZAMARIN: So, does

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operator-qualified personnel cover that, I mean, and allow you to -- I mean, you can't just have someone show up and -- they would need to be OQ-qualified, wouldn't they?

MR. MAYBERRY: This is -- excuse me. This is Alan Mayberry. I think, I mean, "qualified" should cover that, Chad.

CHAIR GANT: Operator-qualified, is that what you're saying, or just --

MEMBER ZAMARIN: Or even just qualified.

MR. MAYBERRY: Just qualified. Yeah. I would say qualified, yeah.

MEMBER PEVARSKI: This is Rick Pevarski. Would this -- with the public. Would this eliminate the possibility then of a volunteer emergency responder?

I'm thinking of a rural area and you've got a curb valve, you know exactly where it is, you can explain it through dispatch, but he's not OQ-qualified because he is a volunteer.

Would that prevent them from being able

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to turn this off?

MEMBER ZAMARIN: In that case, can it -- this is Chad again. Can it be then under the supervision of a qualified person, I mean, even if they're not present?

I don't know. I mean, or maybe my question is for PHMSA. If you're in an emergency situation, is that -- is the requirement of OQ still the same, because I kind of get the point.

If you have someone there and they're standing there looking at a valve that they could close, you know, what's the right -- what's the right thing to do?

MEMBER CAMPBELL: So, hey, Jeff. This is Cheryl again. Doesn't OSHA have -- I hate to bring this up, but I'm just going to do it. Doesn't OSHA have a, what you want to call it, that basically says in a lifesaving emergency, you know, you're granted some breaks?

MR. WIESE: The Samaritan Rights or --

MR. MAYBERRY: Yeah, this is Alan. Again, I think going back maybe to authorize might

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be what really works for us, you know. Herein lies the challenge obviously of coming up with a policy that works nationwide. So, you know, maybe -- or authorize might be the best way to go.

MS. SPEAKER: Designated or authorized.

MR. MAYBERRY: We definitely don't want to -- our intent is not to have, you know, for this to be carefully done and not to cause unintended consequences, but actually to, you know, what's the most proactive thing we can do to be responsive to public safety. So, you know, giving options here I think is what we're after.

Certainly I can appreciate you don't want to shut off the whole neighborhood. You don't want to shut off a hospital. But, my gosh, if there is, you know, if something is really going down and there is a better way to get it done quickly, that's really what we're after. So, we're really looking to give you flexibility to do that, you know.

And then on the -- this is Alan. Just -- oh, is there another question? Sorry.

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MEMBER WORSINGER: This is Rich Worsinger. We're all -- the examples you're all talking about are great, but the problem comes in that there could be another line on that street that might not be a gas line. Maybe it's a liquid line. Maybe it's a water line. I don't know.

And there's a valve box there and a valve. Maybe the curb valve is not accessible. There's a car that's parked by it and they turn the wrong valve. We don't know the consequences of that action.

They could be turning a valve on that is off. There could be workers downstream of that valve that could impact them. I'm very reluctant to put anything in this that would say we're going to give people instructions over the radio or over a telephone to operate a valve.

You really might need to have boots on the ground at the location trained people that understand what a gas valve is, where it's located, all those different parameters.

CHAIR GANT: Rich, this is Paula.

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Just to try to summarize, I think, the back and forth here, what I'm hearing from this conversation and the text is that the intention is to provide the ability for the operator, should they choose, to authorize or designate someone that could shut off the valve, not that the operator is required to do so.

That seems to me the intention of the conversation. Again, the words would matter, but would you be okay with that intention?

MEMBER WORSINGER: I agree with that intention and I think that the wording as provided from AGA, provided that. It, you know, it says that the service line that is safely accessible to the operator personnel to manually shut off.

I don't think it says only the operator personnel can shut it off. The way I read this is the curb valve has to be accessible to the operator personnel to be manually shut off. So, I'm okay with the wording as AGA provided it.

CHAIR GANT: Okay. Do you have fundamental concerns with others wanting the

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flexibility to be able to designate or authorize someone else with that same responsibility?

MEMBER WORSINGER: I do not. And I think that the wording that AGA provided does not preclude that.

CHAIR GANT: Okay. For those who want to maintain that flexibility, a view on the wording providing for that and on the view of the wording that's on the screen right now.

MEMBER PEVARSKI: This is Rick Pevarski. I think you could probably still do both by saying -- instead of just saying other authorized personnel, you could say other personnel authorized by the operator. You still put the control back to the operator, but it gives you that flexibility that we're looking for.

MEMBER WORSINGER: This is Rich again. If we were going to change it, I'd like Rick's wording there, "other personnel authorized by the operator."

MEMBER FLECK: This is Sue from National Grid. I agree. I like Rick's wording a

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little better.

MEMBER CAMPBELL: This is Cheryl from Xcel. Cheryl Campbell from Xcel. I can agree with that.

MR. WIESE: This is Jeff. I think that probably gets us there. So, thanks to everyone for that, the input on that one.

I think one of the challenges in these votes particularly sometimes when it's a phone vote, is we all have a different scenario in our minds, you know.

Sue is thinking about something different than Rich. And I might be thinking about something different yet. And we all have that scenario in our mind where it doesn't work, but what we have to do is write a rule that works across the country, you know, and tries to cover as much. So, I appreciate your collaboration in trying to get to something I think achieves all of our objectives.

So, I wonder if we -- are there other issues that you want to open up for questions, Madam

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Chair?

CHAIR GANT: Yes. And before we go to other issues, I'd like to circle back on we were just talking about two things. We really only sort of came to some sort of closeout on the accessibility issue. There's the question of the frequency of maintenance.

And what I heard from the group is annual is too much, difficult to manage -- or "unreasonable," I think, was the word. And the idea is then what do you do -- what's the other end of the spectrum? Because the other idea that was tossed out is connect it to some other schedule of inspections, but this point being with new technologies you don't always have personnel out there that are qualified to operate the valve rather than just do a visual survey of it.

So, I'd like to ask -- put that back on the table with the group. Are there -- is there something in between those two options or another way to think about this?

And if no one has anything fresh on

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their minds today, just note that that was something that the group identified as a possibility. So, opening it back up to the committee members.

MR. GALE: And this is John Gale again. What we've added onto the screen is a slide that shows you the language from the proposal.

What's in red is what would have been a clarifying statement regarding the applicability of the maintenance requirements, but obviously the members have raised concerns regarding that applicability.

CHAIR GANT: We need that music from Jeopardy here.

(Laughter.)

MR. WIESE: This is Jeff again. Just as a general way of filling dead air space I'll say that I'm betting we have universal agreement on the need to do some maintenance on valves to make sure that they operate when you need them, right?

So, the question and the trick and I look to members certainly for suggestions and

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wording that's more palatable to them, is to find some sort of a basis whereby there's kind of a uniform maintenance requirement.

So, I think we're wide open to suggestion on that one, but again I think we all agree that there's a need to periodically maintain those valves so they operate when you need them.

MEMBER WORSINGER: Jeff, this is Rich Worsinger with the City of Rocky Mount. I'll be happy to throw out some thoughts to get the conversation going.

When I look at 192.747, it talks about each valve, blah, blah, blah, must be checked and serviced at intervals and each operator must take prompt remedial action to correct any valve found inoperable.

When we're doing our typical valve inspections of our distribution valves, it might be a quarter-turn valve located out in the street, it could be a gate valve, many, many turns, you're going to operate it a little -- you open it up, make sure it's accessible, it's not full of debris,

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hasn't been paved over. And then you're going to put the valve key down on it and you're going to see that it operates.

If the operator, the guy that's turning the valve, accidentally closes the valve being the distribution system, it's highly unlikely that it's going to shut down the flow immediately and you're going to knock customers out of gas.

But being a curb valve, there could be that possibility that if they do when they're testing it, close the valve the whole way down, that that could knock that customer out of gas.

And I'm wondering if we couldn't have -- and I'm going to look for Sue and Cheryl to weigh in on this, if the inspection shouldn't just be to make sure that the valve is accessible and not actually have to test the valve, operate the valve.

And then I would also propose that that be done just when the service line is inspected.

(Pause.)

MR. WIESE: I think that was a softball to you, Sue or Cheryl.

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MEMBER FLECK: Yeah, it is, Jeff. And I'm just -- I'm just kind of thinking through here a moment. So, I'll pass it to Cheryl if she's ready for --

MEMBER CAMPBELL: Well, that's exactly what I'm doing. I'm thinking through it and I'm thinking back over some things that have happened, to be perfectly honest.

And having been the recipient of, I'll admit it in public, a few times the valves didn't work, that's what I'm struggling with as I'm just thinking about that.

MEMBER FLECK: This is Sue again from National Grid. I agree with Rich on the need to operate the valve. There's more downside to operating it than there is to just checking for accessibility.

Still concerned with the qualifications of the person who's going to be doing this now and does that align with one of our other surveys.

I think if we could somehow align an

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accessibility check with the survey that's being performed already, you know, so we don't require a lot of extra work, that makes sense.

And then I just have to kind of figure out how do I document this to the satisfaction of the inspectors, regulatory inspectors who are going to come out and take a look at our program. And that would require modifying our current inspection databases to accommodate that.

So, there's some IT work that would need to be done. It's just a little more complicated than it sounds on the surface, but -- I guess I'm rambling, but I'm more comfortable with an accessibility check lined up with an existing survey on inspection protocol. What do you think, Cheryl?

MEMBER CAMPBELL: I want to make sure -- and, sorry, this is Cheryl with Xcel. I want to make sure I understood what you just said, Sue, because it almost sounded conflicting to me.

You're talking about actually testing the operation of the valve lined up with an existing

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survey. So, for instance, if you're out there doing a leak survey, you're also testing the operability, or simply looking at accessibility?

MEMBER FLECK: Accessibility only, not operating the valve. I think operating the service valve has far more risk than reward.

MEMBER CAMPBELL: I do -- I agree there's some risk there. I'm struggling, Jeff. I mean, you can hear it in my voice. I know you can hear it in my voice.

MR. WIESE: But you just want to say the right thing. I know that. I know it -- but I'm going to just, if I can, just ask a question. Forgive me for jumping in.

CHAIR GANT: Please.

MR. WIESE: This is Jeff. I just want to say we started out where I'm trying to work with you on this and we started out with an agreement that all of us feel that periodically, not defining a period, periodically valves need to be operated, you know, to make sure they don't freeze up on you when you need them. So, maybe the periodicity

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that's suggested here is too frequent, you know.

And there is another way to -- I think what Mike was saying when we were trying to align with other activities that were going on to reduce the burden and cost and the need to visit, you know, unnecessarily were reduced, but I think we're generally agreed about that idea about it.

And I think that's why some people are hesitating, frankly. So, it's just trying to find that periodicity that works.

MEMBER WORSINGER: And, Jeff, it wasn't a softball, was it?

MR. WIESE: Yeah, well, I was thinking it was.

MEMBER CAMPBELL: And again this is Cheryl. Jeff, I mean, that's exactly what my problem is. I know they need to be operated periodically to check if they work, and that's exactly what I'm struggling with is how in the world do you do that.

Sue's correct. There is a downside to operating that valve. And then there's the issue

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of, you know, the leak survey. That isn't necessarily a guy that can do valves.

So, you know, I'm just trying to think about how to find something that works without adding a whole bunch of cost to process.

MR. WIESE: So, we're all agreed on the accessibility check. That's not a difficult one that could align. You could do that more frequently as you did other things.

The idea is what kind of a period and time could you envision as a -- we might need additional information. And so, the suggestion can be, I think, John and others, is to -- for us to investigate talking to manufacturers about the frequency with which maintenance is required in the majority of these valves that are being installed, you know, and to come out accordingly.

But I think it would be ill-advised, and perhaps I'm wrong, but I think it would be ill-advised for us to suggest something that was only about accessibility and not maintenance.

MR. ISRANI: Jeff, can I --

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MR. WIESE: Yes, Mike.

MR. ISRANI: Yeah, I'm just chiming in on what Jeff said. Currently in 192.747 a valve maintenance for distribution system in Paragraph B says each operator must take prompt remedial action to correct any valve found inoperable.

The whole emphasis here is if you have a valve on the line, you want to ensure the valve is operable.

Now, we could consider the time period, but, you know, if they're coming, you know, for two years or whatever the groups recommend, but they should ensure the valve is operable.

MEMBER FLECK: And I -- I don't disagree. There's just a nice collection of equipment that they don't operate. And you're just down to how do you find a way to make it work relatively, you know, a way that's going to work for everybody.

I mean, I hear it. I know what everybody is saying. I'm searching for the compromise, Jeff.

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MS. WHETSEL: So, to step back and re-frame the question or focus the question, we're down to what is the most effective way to ensure that your valves are operable.

What is the -- what is the appropriate or necessary maintenance schedule; one, based on what we know about those valves?

Two, how might that align with some other requirement where you had similarly situated and qualified personnel out on a work detail?

MR. WIESE: I'll try to be helpful. This is Jeff. I'll try to be helpful here, believe it or not.

So, I'm looking at C and just saying -- we're basically saying any new or replaced service line must be installed, situated to allow accessibility during emergencies and periodic maintenance, you know, under the schedule document -- establishing document by the operator that's basically in line with, you know, manufacturer's guidance or something.

CHAIR GANT: Yeah.

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MR. WIESE: We do that frequently and say that the manufacturer usually declares a frequency with which these things need to be operated.

So, if you had the operator establish a basis and document it so that the inspector can look at it, would give you the flexibility to reflect the manufacturer's recommendations.

MS. WHETSEL: So, it would take off with manual service line shutoff valves installed under this section are subject to a regular schedule of maintenance as set out by the operator in a reference to specifications or information provided by the manufacturer, or something along those lines.

MR. WIESE: Right. Something along those lines.

MR. MAYBERRY: This is Alan Mayberry. I mean, I guess the idea would be to put the onus on the operator to ensure that they operate, you know, Sue, Rich and Cheryl, you know, in thinking about these vales you know the different types you

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have, you're dealing with.

And perhaps you're thinking that, you know, some of these steel valves, you know, perhaps over time they may, you know, they do need -- if they're going to work, they do need to be operated every now and then especially if they're lubricated which, you know, can tend to dry over time, but, you know, just have to ensure that they do operate.

Certainly accessibility is going to be one of your biggest challenges to maintain on these.

MEMBER CAMPBELL: This is Sue from National Grid. I like that better. It definitely gets to the -- gets to the crux of the problem with this, but certainly, you know, accessibility is something that we check on a relatively regular basis without any risk to the customer being inadvertently turned off or something like that. And then the manufacturer spec would tell us when we need to physically operate it.

We could align that with our meter change programs and other times when we would be

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shutting the service line off anyway, but that's consistent and it would be the right kind of personnel, the right qualified personnel with technical capabilities.

So, this kind of language that is being typed in right now, I'm very much more comfortable with this. I think it gets to both accessibility and operability with reasonable time frames.

MEMBER CAMPBELL: And this is Cheryl. Then really what you're typing, I think I can live with this, too. And again, you know, have the right folks out there.

And the reality is, I mean, that's sort of your outside, I mean, let's be realistic. That's your outside maintenance. It's like all of these other things that we do, Jeff and Alan, right?

I mean, you assess the integrity of your pipelines no greater than every seven years kind of thing. If you think you've got a problem, then you ought to be doing something before you get to that time frame anyway.

MS. WHETSEL: Okay. Other comments

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from committee members on this language?

MEMBER WORSINGER: Yeah, this is Rich Worsinger, City of Rocky Mount. Just a couple thoughts. First, just circling back to that safety cost-benefit analysis if PHMSA does revisit that, I think they're going to see that installing curb valves are not going to provide the level of benefit that was first assumed.

And I think that further would justify an extended inspection period, as well as the recommended maintenance schedule according to manufacturer.

That all being said, and I'll throw this out for Sue and Cheryl, would you be comfortable inspecting these valves as part of the leak inspection which -- and correct me if I'm wrong. Isn't that once every five years outside the business district?

MEMBER CAMPBELL: I think this language, and I'm no attorney, I'm just going to admit that -- and I'm sorry, this is Cheryl Campbell.

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I think this language allows you to do that assuming it's in alignment with the manufacturer's spec. If the manufacturer says you can do it every five to seven years, then I think that's in alignment. But I think if the manufacturer says they have to be inspected every two years, then that's -- those two things aren't going to come together. I see what you're saying, Rich.

MEMBER WORSINGER: Cheryl, Rich again. I don't know that the manufacturer is going to say how often that has to be visually inspected. I think more they're going to say operated.

And where I'm -- my thought just is if when we are doing the leak inspection and we, you know, many of our members still do it, the traditional walking the lines with a gas detector, but some are using the more sophisticated infrared stuff, but for the limited number these are going to be, this is when you jump off your piece of equipment, whatever it is, you go over to that valve box, you pop it open and make sure you can put a

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key on the valve.

And then you also have a separate program where you track where these are. If the manufacturer says they should be operated every seven years or 10 years, then you're doing the visual inspection to make sure they're accessible about once every five years, and then you're operating them according to the manufacturer's spec.

And I like Sue's thought, it might have been yours, Cheryl, where if we're doing meter change out, we're doing something else, we can operate that valve also.

CHAIR GANT: And, Rich, this is Paula. I think that's what we're trying to get to here with this language that there is the visual inspection piece, which we're not dealing with right now, but the idea that it is important to have regular maintenance of a valve.

And that rather than specify the periodicity of that, that it makes sense for the operator to have a program established for that

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maintenance that's consistent with what they know about the operations of that valve based on information provided by the manufacturer.

MEMBER FLECK: Yeah, this is Sue from National Grid. I agree with Paula completely. I think this language allows us to do it, and I think this is consistent with our DIMP protocol.

Your integrity management program should be assessing this risk and identifying within your DIMP program exactly how often and with what other surveys you line up your check for accessibility and your check for operability.

So, I think this language allows us to do what we need to do, anyway, which is find those risks, assess them, and then the time it takes to deal with them.

MR. WIESE: Forgive me. This is Jeff. I think we're, you know, starting to violently agree, which seems to me like it's a time to move on. I would just ask one last question on the new language that was suggested.

The first instance I've specified I

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think was meant to be documented by the operator and consistent with the valve manufacturer specification.

That goes to what do you need to show the inspector when they show up? They need to see a documented basis for it, right? So, is there any objection on that first in the red, the first use of the word "specified" that's now highlighted. Thank you, Bobby.

If we replace that word by documented, as documented by the operator and consistent with the valve manufacturer specification.

MS. SPEAKER: Yes, I like that.

MS. SPEAKER: Perfect.

MR. WIESE: Okay.

MEMBER CAMPBELL: This is Cheryl. I can agree with that, Jeff. Thank you.

MR. WIESE: Thank you.

MEMBER FLECK: And this is Sue. I'm very comfortable with that as well.

MEMBER WORSINGER: This is Rich and I just want to raise one other point and I'm sorry,

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Jeff. I just realize the manufacturers could then be concerned of liabilities coming back to them and what if they were to say we feel our valves should be inspected twice a year?

MR. WIESE: What? I'm sorry, I missed that, Rich.

MEMBER WORSINGER: Just a concern. Manufacturers upon seeing that we're going to follow their recommendations for maintenance, if they then in this litigious society we live in are concerned about being sued, come up with a very aggressive maintenance schedule if they say we expect, as an example, our valves should be operated twice a year, every six months.

MR. WIESE: Well, okay. I appreciate that. And I think -- Max Kieba just reminded me that in the Code now, I think it's 192.1013, you know, Max can certainly articulate if I miss the point, but I think it was really that you already have the flexibility to deviate from that periodic inspection under the part, but it has to be documented risk-based.

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MR. KIEBA: Yeah, this is Max Kieba from Engineering and Research. It ties into what Sue said about in DIMP. It does allow you to base it off of risk.

So, 192.1013 gives you an ability to deviate from any kind of required periodic inspection.

MR. WIESE: I think that, Rich, gives you the --

(Comments off record.)

CHAIR GANT: So, Rich --

MEMBER WORSINGER: Yes.

CHAIR GANT: -- the question that you're raising, I just want to make sure that we're teasing this one out, is that the language we have right now says that you will have regular maintenance, you will document that and -- as the operator.

The third piece is where you have some consternation that that's consistent with the valve manufacturer's specification and if -- the question is, are you incenting behavior for them

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to be really cautious in their specifications?

MEMBER WORSINGER: That's correct.  
That's my concern.

MR. WIESE: You know, Chad and others, I'm sure others in the room can probably jump in here, but I think that's done pretty regularly during the rest of the regulatory program that we rely on the manufacturer's specification.

I get your point, Rich, but, you know, you have the ultimate authority to buy the valve from somebody who's not going to, you know, game you like that. I doubt that's going to happen too far, or they would close their market down pretty fast.

MEMBER ZAMARIN: Yeah, this is Chad, Jeff. I tend to agree. I mean, I think, Rich, I understand your point, but at the end of the day I think manufacturer specifications are an important part of what we have to take into consideration for, you know, how to operate and maintain equipment and, you know, the manufacturer were to specify things that weren't reasonable, I

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think it would affect our decisions regarding -- I think the marketplace kind of balances that, but I think we kind of have to look to the manufacturers to help understand the operating and maintenance requirements for various equipment.

So, I mean, I can see where in a very extreme case something -- there may be some risk there, but I think it's something we just have to live with, but I don't think we can ignore manufacturer specifications for operations and maintenance. I think it's an important factor in what you do with any piece of equipment.

CHAIR GANT: Okay. Thank you, Chad. Thank you, Rich. I want to make sure that we are allowing time for public comment. So, I'd ask are there other matters that the Committee Members would like to bring to the conversation before we move to public comment?

(Pause.)

CHAIR GANT: Okay. Hearing --

MEMBER FLECK: Yeah, actually hang on a second, Paula. This is Sue from National Grid.

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CHAIR GANT: Okay.

MEMBER FLECK: I'm not sure we -- when Mike went through the communications to customers, I think in a couple of instances he suggested that they were going to correct the wording so that, you know, we would be allowed to collect information on a broader perspective than just, you know, having to document each letter we send to each individual customer.

Is there any language change in here that you can point us to so that we can see that that's been handled? Because I think that was the last kind of outstanding issue that I was really worried about is documenting those notifications to the customer, not having to notify a customer that if we can't put one in, you know, those kind of issues that he did talk to, but I just don't know where he left that.

CHAIR GANT: Okay. And this is the question of whether individual versus mass notifications --

MEMBER FLECK: Yes.

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CHAIR GANT: -- are required or accepted, and how you might maintain a record of those communications. Are those the two open issues?

MEMBER FLECK: Yeah, those are the two. I know Mike spoke of it, but I just wanted to see the language really quickly.

MR. ISRANI: Yeah, so if we look at a sample slide here, this is what we were illustrating correction there.

(Pause.)

CHAIR GANT: In Paragraph D just for people like me who don't know what Paragraph D says, does that say something that would address the concern about whether you have to do individual targeted communications versus mass communications like a bill insert or other communication, I guess?

MR. ISRANI: And we intend to correct that, you know, it would be left to operators. That's what we think at the moment.

CHAIR GANT: Okay.

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MR. ISRANI: Yes.

CHAIR GANT: So, what I'm hearing from Mike, there's an intention to address this issue. But again on this specific language Paragraph D refers to what?

MR. ISRANI: Evidence that, you know, most operators were concerned.

MR. SPEAKER: It's the customer's right to request it.

MR. ISRANI: Yeah. So, you know, this is how you are documenting, you know.

MR. GALE: And real quick, Paula, John Gale here. Paragraph D is just simply the customer's right to request an EFV. It was not already required by the regulation.

CHAIR GANT: Okay. So, this is addressing the maintenance of the record. So, let's sort this one out and then we'll go back to the means for the communication.

Any comments on this? Does this address the concern that's been raised?

MEMBER FLECK: This is Sue again. So,

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I'm still just a little bit uncomfortable that I'm not sure -- if we do a combination of mailings and then post on our website, how are we going to document that a particular customer has received -- this is -- it's just -- I'm feeling better. This looks better, but I'm just worried about how -- again, I'm worried about how one of our -- an inspector coming in to inspect us is going to be comfortable that I show him a copy of here's the letter we sent out and here's the website that went to every customer. How do I know that they received it?

MR. ISRANI: Sue, this is Mike Israni. When we did the Customer Notification Rule in 1998, we had a similar issue. And the way we handled that was when inspector went for inspection there, the operator's facility, they looked at one sample of what notice was sent. And then they looked at the listing of which customers were notified that is electronic listing or any journal you might have.

So, we don't want you to keep copy of each and every notice that you send. We just want

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to ensure that you send the notice, we have a sample, which you look at it and that you notified all these customers.

CHAIR GANT: So, Sue, as I -- this is Paula. As I understand it, the language in the preamble to this section addresses some of these concerns, but it's not -- it's not actually in -- vetted in these particular sections.

If you took the preamble and embedded it in these sections in the appropriate way, would that address the concern or is there more?

MEMBER FLECK: That would address the concerns.

CHAIR GANT: Okay. We have heads nodding in this room.

MR. SPEAKER: And it's not because we are sleepy.

MEMBER CAMPBELL: Okay. This is Cheryl Campbell. I agree with that.

MEMBER WORSINGER: And this is Rich. Can you put that wording on the screen?

CHAIR GANT: We may be running out of

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time for that here today, Rich, but I'm getting very strong heads nodding that this is very practical and reasonable to do.

MR. ISRANI: That's in the preamble. So, it's hard to put it here.

(Comments off the record.)

MR. WIESE: I'm not sure exactly where it is in the preamble, Rich. If we can cite that, hopefully you have the rule there in the packet we sent to you.

CHAIR GANT: Given we're in this structure, FACA structure, is it appropriate if Cheryl were to send out an example of this later for the Committee to consider, or do we need to have it resolved in this format?

MR. SPEAKER: It has to be resolved.

MR. WIESE: We're really supposed to get the final recommendations from folks or their advice, you know.

MR. GALE: But I think we can work with -- I'm sorry, this is John Gale again. I think we can work with language that refers to the preamble

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discussion and the spirit of that discussion.

CHAIR GANT: Okay. Got it. Okay.  
Great.

MEMBER WORSINGER: Where is the preamble? I'll look it up while we're doing something else. What section?

CHAIR GANT: We're flipping through here.

MR. ISRANI: And it's under -- it's Page Number 41467 of the Federal Register. 41467. It's under Section by Section Analysis and the last column. Last column starting with "PHMSA is proposing the addition of 192.383(d)." And there we are giving some examples.

CHAIR GANT: Great. And, Rich, while you're taking a look at that, I'll ask other committee members if they have any other matters for the Committee so we can open it up to public comment and move to our vote.

(No comments.)

CHAIR GANT: Okay. Thank you, Committee Members. Very robust and helpful

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discussion. I know it's been helpful to the people here in the room.

And I'd like to now open up the floor to members of the public who might like to provide some comments, observations or present questions to pose to staff.

MR. GALE: Thanks, Paula. Just real quick, John Gale again. Ryan, our telephone moderator, if you could, if you could open the lines now for questions from the public?

MR. WIESE: And quick reminder to say their name and affiliation.

MR. GALE: Yeah, and if they could give their name and affiliation, that would be appreciated, Ryan.

THE OPERATOR: Okay. Do you want me to open up all the lines at once, or if they have a question, open up the line?

MR. GALE: Yeah, if they have a question. One at a time, please.

THE OPERATOR: Okay. Ladies and gentlemen if you do wish to ask a question, please

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press star then zero.

CHAIR GANT: And while we're waiting for folks on the phone to -- I would ask if there are members of the public here in the room that would like to make a comment, to please approach the table.

(Pause.)

CHAIR GANT: Okay. No takers?

MS. KURILLA: I just want to make sure that --

CHAIR GANT: Please identify yourself for the record.

MS. KURILLA: I'm sorry. Hi, this is Erin Kurilla with the American Gas Association. I'm just trying to get my head square on the last comment that we made about including some of this preamble language to address Sue's concern about documentation of customer notifications if a mass kind of notification system such as through your website is utilized.

How can you prove that a customer has been notified if you just have it on your website?

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MR. ISRANI: Yes, we will clarify for that, make it more flexible on how operators maintain the list.

MS. KURILLA: Okay.

MR. ISRANI: That's what we intend to do, yeah.

MS. KURILLA: Okay. I think it's the very first sentence, the last two words in writing, the right to request an EFV in writing. That kind of made us over here in the peanut gallery nervous.

CHAIR GANT: Okay. Thank you. Okay. Members of the public, any questions, comments, observations? On the phone, that is.

THE OPERATOR: Once again if you do have a question or a comment, please press star zero.

(Pause.)

CHAIR GANT: I think we're ready to move to -- this is Paula again. I think we're ready to move to Agenda Item 3. And Cheryl is going to walk us through our voting protocol and we will then move to a vote to request -- a motion for a vote

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from a member of the Committee. Cheryl.

MS. WHETSEL: Cameron is bringing up the slides and I think you all have already gone beyond the voting protocol at this point. I think you know exactly what you're doing, but, just for the record, we are voting on the NPRM expanding the use of excess flow valves in gas distribution systems in applications other than single-family residences as published on July 15, 2015.

I think you're at the point to make a decision for voting. Any member can make a motion, including the chairperson. We've already established we have a quorum.

MEMBER FLECK: This is Sue Fleck from National Grid. I'm ready to call a motion.

CHAIR GANT: Okay. Do we need that motion to be seconded?

MS. WHETSEL: Yes, a second would be good.

MEMBER FLECK: Okay. The proposed rule as published in the Federal Register and the Draft Regulatory Evaluation are technically

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feasible, reasonable, cost-effective and practicable if the following changes are made. And that is the amended sections as amended on the call today. And that's Section 192.385(a), 192.385(c) and the addition of the preamble language regarding customer notification as discussed in the meeting.

MR. GALE: Sue, John Gale here real quick. We're going to try to type that up so we're all exactly clear as to what your language is.

So, if you could help Cameron a little bit exactly what your language is or repeat it, it would be helpful.

MEMBER FLECK: Sure. I'm not sure I have it exactly correct, but you can help me if I get the notices wrong.

So, if the following changes are made relative to Sections 192.385(a) and 192.385(c) as amended during this call.

MR. GALE: Okay. We believe that's correct, Sue.

MR. SOUTHWAITTE: What was that last part

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she said? I'm sorry, Sue. This is Cameron. You said as amended, what?

MEMBER FLECK: During this meeting.  
During this open meeting.

MR. SOUTHWAITTE: Okay.

MEMBER FLECK: I don't know how you --

MR. SOUTHWAITTE: That's fine. Okay.

MS. WHETSEL: We need to do the documentation as well, Sue.

MEMBER FLECK: Yeah, and that's what I was going to say. The other piece is we just talked about adding the preamble language and I'm not sure how to word that in the call of a motion. Incorporation of the preamble language into --

CHAIR GANT: Around maintenance of --

MEMBER FLECK: -- the customer notifications.

CHAIR GANT: Would it be around regarding --

MR. GALE: Customer notification, Sue?

MEMBER FLECK: Yeah, which -- and I just don't know which section that is.

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CHAIR GANT: We have it here, Sue.  
It's 192.383(f).

MEMBER FLECK: F, perfect. And that  
if you put that there, I think that's what we want  
to say.

CHAIR GANT: Preamble language  
regarding documentation of customer notification  
or evidence --

MEMBER FLECK: Or the evidence of  
customer notification.

CHAIR GANT: Yeah, exactly.

MEMBER FLECK: 192.383(f), yes, that  
looks accurate.

MS. WHETSEL: Once you all have had a  
chance to look at this, could somebody provide a  
second?

CHAIR GANT: And I think we don't need  
documentation of evidence. Isn't it just  
regarding evidence of customer notification?

MR. SPEAKER: Yes.

CHAIR GANT: I think we can delete  
"documentation of." Okay. So, that's what it

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says in the -- isn't that what it says in the rule -- I mean in the proposal, or do I have that wrong? Mike.

MR. ISRANI: Well, I was just saying that we have documentation, maintain for three years.

CHAIR GANT: Okay.

MR. ISRANI: That's why.

CHAIR GANT: So, do we -- I guess my question is do we need "documentation" and "evidence," or will one of those suffice? Seems like a lot of words. Can we have "documentation" instead of "evidence"?

MEMBER FLECK: Yes, I don't have a problem with that. This is Sue from National Grid.

CHAIR GANT: So, going once, going twice, documentation.

MR. SPEAKER: Yes.

CHAIR GANT: Thank you, sir. Okay. So, I'll ask everybody to take 10 seconds and review the language here that is a motion that Sue is making that we will be looking for a second on. So,

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before we call that second, I want to make sure we have the language correct.

MS. WHETSEL: And, Cameron, why don't we change the title of the slide to show it's the final as proposed by the Committee.

(Pause.)

CHAIR GANT: Okay. Sue, could you do me the favor of reading your motion, the language of your motion from start to finish?

MEMBER FLECK: Yes.

CHAIR GANT: And then we'll see if we can get a second.

MEMBER FLECK: Yes. This is Sue Fleck from National Grid. The proposed rule as published in the Federal Register and the Draft Regulatory Evaluation are technically feasible, reasonable, cost-effective and practicable if the following changes are made relative to 192.385(a) and (c) as amended during this call, and the incorporation of the preamble language regarding documentation of customer notification in Part 192.383(f).

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CHAIR GANT: Do we have a second?

MEMBER CAMPBELL: Cheryl Campbell with Xcel. I will second.

CHAIR GANT: Okay. Thank you.

MS. WHETSEL: And we'll take a roll call vote on this now. Paula.

CHAIR GANT: So, the Chair gets to vote first?

MS. WHETSEL: Sure. Why not?

CHAIR GANT: I love being chair.

(Laughter.)

MS. WHETSEL: Why not? You sit next to me.

CHAIR GANT: I concur.

MS. WHETSEL: Okay. Did Don Stursma ever come on the line?

MEMBER STURMSMA: Yes, he's here.

MS. WHETSEL: Okay, Don. What do you got?

(Pause.)

MS. WHETSEL: Are you going to vote?

MEMBER STURMSMA: Oh, okay. Aye.

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MS. WHETSEL: Okay. Thank you.

Cheryl Campbell seconded.

MEMBER CAMPBELL: Correct.

MR. SPEAKER: She needs to vote.

MS. WHETSEL: Okay.

MEMBER CAMPBELL: And I concur, if you need that.

MS. WHETSEL: Okay. Thank you. Sue Fleck.

MEMBER FLECK: Yes.

MS. WHETSEL: Chad Zamarin.

MEMBER ZAMARIN: Aye.

MS. WHETSEL: Rich Worsinger.

MEMBER WORSINGER: Aye.

MS. WHETSEL: Bob Kipp.

MEMBER KIPP: Aye.

MS. WHETSEL: Rick Pevarski.

MEMBER PEVARSKI: Aye.

MS. WHETSEL: Okay. And just for the record, we have several members that are not present today. And that would be Andy Drake, Mark Brownstein and Robert Hill.

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MR. GALE: And for the record, Cheryl, the vote count was?

MS. WHETSEL: It's 10; is that correct?

MR. GALE: I think it's eight to zero.

MS. WHETSEL: Is that right? I have more information on here than I need.

MR. GALE: I think it's eight to zero, Cheryl. Can you verify?

MS. WHETSEL: Yes, it is. Eight to zero.

MR. GALE: Can you for the record, can you state it for the record?

MS. WHETSEL: Yes. And the vote is eight to zero.

MR. GALE: And the motion passes?

MS. WHETSEL: There you go. And the motion passes.

CHAIR GANT: Okay. Thank you, Cheryl. And I would like to thank the members of the Committee today for a very robust discussion. And before we close out any remaining housekeeping matters, I'd like to ask Jeff if he has any remarks

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that he'd like to share.

MR. WIESE: Thank you very much. First of all, we want to thank you for chairing. We gave you short notice on that. You did an admirable job. So, thank you so much.

CHAIR GANT: And for the record, I thought there was going to be tater tots here.

MR. WIESE: There might be for you later. Okay. But at any rate -- and, Chad, I'm pretty sure you know the tater tots we're talking about.

(Comments off record.)

MR. WIESE: So, I wanted to thank all the members of the Committee for taking time out of their days, first of all, to show up, for taking the time to look through the materials and give us the benefit of their advice. Thank you members of the public and our staff for coming in to observe.

It actually took a lot longer than I projected. So, it was a little more controversial than I suspected, but I appreciate your help and your guidance in working through any conflicts or

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rubs that we have.

But I want to make a statement for the record, because I feel pretty strongly about that and I think the members of the Committee who have been around for a while will know this to be true.

While we take a vote count, we do not pass rules on the matter of who gets more votes. If we don't have a consensus of people on an idea, we don't proceed. And most of you who have been involved for a while know that.

We have pulled rules off before and go back to the table and continue working on them until we can develop a consensus. I don't think it's any way of governing to just try to bludgeon one party with more votes than another.

So, we have operated that way and I think very successfully as a committee. So, I want to thank you for, you know, developing that consensus. Sometimes it's painful and it takes longer than we might think.

And we're always open to ideas on how to make it better. So, we welcome your advice on

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how to improve telephone votes. In particular, I've got a few ideas myself, but welcome those ideas from you.

But again I think I would close out by saying thank you very much. And I probably won't get a chance to talk to most of you before then, so I want to wish you happy holidays and fun with your family and friends.

CHAIR GANT: Thanks, Jeff. And thanks, Members of the Committee and the public for participating today. I think it's been a very robust and very constructive conversation.

It's obvious to me that it's underpinned by very strong, mutual intentions that are with regard to the public safety and it makes me very -- continue to be very proud to be a part of this work and thank you for your participation.

I would just close out by noting that the report for this meeting will be a verbatim transcript that is being recorded here by a court reporter and will be provided under the docket number for this meeting, which you have in your

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meeting materials.

So, thank you all. Happy holidays. Enjoy the time away from the office, and I'm sure there will be more fun for us in the new year.

MR. WIESE: Now, shut off your cell phones and take a break. All right. Goodbye everyone.

(Whereupon, at 2:56 p.m., the meeting was adjourned.)

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