

# Public Notice of Proposed Rulemaking

## RHODE ISLAND GOVERNMENT REGISTER PUBLIC NOTICE OF PROPOSED RULEMAKING

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**AGENCY:** Public Utilities and Carriers, Division of Public Utilities Commission

**RULE IDENTIFIER:** (ERLID 4237) 815-RICR-20-00-1

**REGULATION TITLE:** Standards for Gas Utilities, Master Meter Systems and Jurisdictional Propane Systems

**RULEMAKING ACTION:** Direct Final

If no formal objection is received on or before June 25, 2018 Public Utilities and Carriers, Division of Public Utilities Commission will submit the amendment without opportunity for public comment.

**TYPE OF FILING:** Amendment

**DATES: Public Notice Date: Thursday, May 24, 2018**  
**End of Comment Period: Monday, June 25, 2018**

**SUMMARY OF PROPOSED RULE:**

The regulation governs the operation of natural gas distribution systems, master meter systems and safety requirements for jurisdictional propane systems.

The proposed amendments include new language to meet the Administrative Procedures Act for incorporation by reference.

1.1 lists Incorporated Materials. Reference is made to this section throughout the rule (1.2(C) and (E); 1.3(A); 1.5(A)(3); 1.6(C)(6) and (8); 1.7(A)(2); 1.11 and 1.12(A)(2) along with formatting language updates.

In addition, 1.12(J) has been deleted. This section simply restated boilerplate reference to adoption under terms of the Administrative Procedures Act.

**COMMENTS INVITED:**

All interested parties are invited to submit written or oral comments concerning the proposed regulations by June 25, 2018 to the addresses listed below.

**ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:**

Mailing Address: (Please identify your filed comments with this Docket Number D-18-09)

Division Clerk

Rhode Island Division of Public Utilities and Carriers

89 Jefferson Boulevard

Warwick, RI 02888

Email Address:

[luly.massaro@puc.ri.gov](mailto:luly.massaro@puc.ri.gov)

**FOR FURTHER INFORMATION CONTACT:**

**Thomas Kogut**

**Rulemaking Coordinator**

RI Division of Public Utilities and Carriers

89 Jefferson Boulevard

Warwick RI, 02888

(401) 780-2105

[Thomas.kogut@dpuc.ri.gov](mailto:Thomas.kogut@dpuc.ri.gov)

**SUPPLEMENTARY INFORMATION:  
Regulatory Analysis Summary and Supporting Documentation:**

For full regulatory analysis or supporting documentation see agency contact person above.

**Authority for This Rulemaking:**  
RI Gen. Laws § 39-3-33

**Regulatory Findings:**

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information. The Office of Regulatory Reform has cleared this agency to initiate this repeal.

**The Proposed Amendment:**

Public Utilities and Carriers, Division of Public Utilities Commission proposes to amend 815-RICR-20-00-1 (ERLID 916) as follows:

815-RICR-20-00-1

## TITLE 815 – DIVISION OF PUBLIC UTILITIES AND CARRIERS

### CHAPTER 20 – NATURAL GAS AND JURISDICTIONAL PROPANE

#### SUBCHAPTER 00 - N/A

PART 1 – Standards for Gas Utilities, Master Meter Systems and Jurisdictional Propane Systems

#### **1.1 Incorporated Materials**

- A. These regulations hereby adopt and incorporate 49 C.F.R. Part 40 (2018) and 49 C.F.R. Parts 190-199 (2018) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with this Part.
- B. These regulations hereby adopt and incorporate the following National Fire Protection Association (NFPA) publications by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with this Part:
1. NFPA 54 National Fuel & Gas Code (2018),
  2. NFPA 58 Storage and Handling of Liquefied Petroleum Gases (2017),
  3. NFPA 59 Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants (2018), and
  4. NFPA 59A Production Storage and Handling of Liquefied Natural Gas (LNG) (2016).
- C. These regulations hereby adopt and incorporate the following American Gas Association (AGA) publications by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with this Part:
1. AGA Manual for the Determination of Supercompressibility Factors for Natural Gas, Project NX-19 (A.G.A. Catalog No. L00340) (1962), and
  2. AGA Compressibility and Supercompressibility for Natural Gas and Other Hydrocarbon Gases, Transmission Measurement Committee Report No. 8 (1992).
- D. These regulations hereby adopt and incorporate American National Standards Institute (ANSI) standards ANSI B109 (1986) and ANSI B40.1 (1986) by

reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with this Part.

E. These regulations hereby adopt and incorporate the following parts of the American National Standards Institute/American Petroleum Institute (ANSI/API) 2530, Orifice Metering of Natural Gas and Other Related Hydrocarbon, AGA Report No. 3, by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with this Part:

1. Part I, "General Equations and Uncertainty Guidelines," (AGA Catalog No. XQ9017) (1990),
2. Part II, "Specification and Installation Requirements," (AGA Catalog No. XQ9104) (1991),
3. Part III, "Natural Gas Applications," (AGA Catalog No. XQ9210) (1992),
4. Part IV, "Background Development, Implementation Procedures, and Sub-Routine Documentation for Empirical 33 Flange-Tapped Discharged Coefficient Equation," (AGA Catalog No. XQ9211) (1992).

F. These regulations hereby adopt and incorporate specific American National Standards Institute (ANSI) standards listed below by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with this Part.

1. ANSI B109.1, Diaphragm Type - Gas Displacement Meters, Under 500 Cubic Feet per Hour Capacity, (AGA Catalog No. X69218) (1992),
2. ANSI B109.2, Diaphragm Type - Gas Displacement Meters, 500 Cubic Feet per Hour Capacity and Over, (AGA Catalog No. X69219) (1992), and
3. ANSI B109.3, "Gas Displacement Meters, Rotary Type," (AGA Catalog No. X69220) (1992).

G. These regulations hereby adopt and incorporate the American Society for Testing and Materials (ASTM) publications by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with this Part:

1. ASTM specification D-1826 "Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter," (D1826-88) (1988),
2. ASTM specification D-1945 "Method for Analysis of Natural Gas by Gas Chromatography," (D1945-91) (1991), and

3. ASTM specification D-3588 "Method for Calculating Calorific Value and Specific Gravity (Relative Density of Gaseous Fuels)," (D3588-91) (1991).

## 1.2 Application of Rules and Regulations

- A. This Part shall apply to all LDC's, Master Meter Systems, and Jurisdictional Propane Systems engaged in the business of manufacturing, distributing, selling or transmitting natural or other gas by pipeline in the State of Rhode Island; currently, there is one LDC, 40 Master Meter Systems, and 20 Jurisdictional Propane Systems in operation within the State of Rhode Island, all of whom are subject to all or specified portions of these rules.
- B. These Rules and Regulations replace the following existing Division rules and regulations:
  1. Rules & Regulations Prescribing Standards for Gas Utilities, effective date June 8, 1966,
  2. Regulations Regarding Gas Pipeline Safety Enforcement Procedures Docket No. D-86-4, effective date March 13, 1986,
  3. Control of Drug Use in Natural Gas and Liquefied Natural Gas, effective date May 10, 1990, and
  4. the Rules and Regulations Prescribing Standards for Gas Line Abandonment & Leakage Survey Procedures Docket No. D-86-2, effective date May 21, 1986.
  5. These four existing compilations of rules and regulations of the Division are hereby rescinded upon the effective date of this document.
- C. This Part is intended to supplement, and shall be interpreted in a fashion consistent with, the Federal rules set out in the Code of Federal Regulations (C.F.R.) incorporated above in § 1.1(A) of this Part, specifically in 49 C.F.R Parts 40 and 190-199. The Federal safety standards and regulations, ~~including all subsequent amendments thereto~~, for the transportation of natural and other gas by pipeline, established pursuant to the Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671, *et seq.*) by the United States Department of Transportation and contained in 49 C.F.R. Parts 40 and 190-199, are hereby incorporated by reference above. Since the State of Rhode Island is bound to comply with Federal law concerning gas utilities, and has been delegated enforcement authority by the Federal government, amendments to the Federal rules are incorporated by reference and shall be effective as part of these rules without further action. LDC's shall comply with all of the rules set out herein.
- D. This Part shall be amended or repealed, and applications therefore shall be made, in accordance with R.I. Gen. Laws §§ 39-3-33 and 42-35-1, and Part 00-00-1 of this Title (Division of Public Utilities and Carriers Rules of Practice and

Procedure). A written application may be made to the Division for temporary or permanent exemption from any provision of this Part for good cause shown.

- E. “Master Meter Systems” and “Jurisdictional Propane Systems” are only required to comply with the safety requirements of 49 C.F.R. Parts 191-192 Pipeline Safety Regulations, incorporated above in § 1.1(A) of this Part, NFPA 58 Storage and Handling of Liquefied Petroleum Gases, and NFPA 59 Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants, incorporated above in § 1.1(B) of this Part, the § 1.12 of this Part relating to Enforcement Procedures section contained herein, and § 1.14 of this Part, the Natural Gas Telephonic Notice Reporting Requirements.

### **1.3 Definitions**

- A. The definitions set out in 49 C.F.R. §§ 190.3, 191.3, and 192.3 are hereby incorporated by reference above in § 1.1(A) of this Part, except as augmented or modified below. Unless the context otherwise requires, the following words as used herein shall have the following meanings:
  1. “Abandoned” means that the service line is physically disconnected (cut-off) at the main, or at the distribution line that is the source of supply if the pipe is not a main, and the pipe is made from material other than plastic or cathodically-protected steel. If the service line is plastic or cathodically-protected steel, it may be cut off at or in close proximity to a property line and made into a stub. When the service line is abandoned, the LDC shall remove the meter and assembly. Should access to these not be readily available, the LDC shall make multiple attempts to gain access for removal. The end of the operator's pipe that is within the customer's building must be cut off below ground and sealed outside the building or must be sealed by inserting a device within the service line to a point that is outside the building wall or foundation. Provisions must be made so that the seal or device cannot be readily removed. When the end of the operator's pipe is located above ground outside the building, the aboveground segment must be removed and the remaining segment below ground sealed. In any case, the pipeline's above or below ground entry point into the building or foundation must be sealed after the pipe has been removed. The pipeline shall be purged and sealed in accordance with 49 C.F.R. § 192.727(b) ~~or its successor regulation(s)~~.
  2. “Accessory” means any meter reading device, which is mechanically or non-mechanically attached to a meter and could affect its accuracy, used to display, record, or transmit meter information to a remote location or any associated meter correction device, either remote or attached, used to adjust the reading of a meter index.
  3. “Administrator” means the Administrator of the Rhode Island Division of Public Utilities and Carriers.

4. "AMR" means an automated meter-reading device.
5. "British Thermal Unit (BTU)" means a unit of heat equal to the amount of heat required to raise one pound of water one degree Fahrenheit at one atmosphere pressure; equivalent to 251.997 calories.
6. "Commission" means the Rhode Island Public Utilities Commission.
7. "Cubic foot"
  - a. The term cubic foot means the volume of gas which occupies one (1) cubic foot of space at a temperature of 60° Fahrenheit and an absolute pressure of 14.73 pounds per square inch (known as standard conditions) with deviation there from, for varying pressure and temperature being in accordance with Boyle's Law and Charles' Law.
  - b. When gas is metered under the filed domestic rates of the utility a cubic foot shall be taken to mean the amount of gas which occupies one cubic foot under the conditions existing in the customer's meter as and where installed, except that outside meters may be of a temperature compensating type.
  - c. When gas is metered in large volumes at pressures and temperatures other than standard, it must be measured by a meter equipped with devices that correct for super-compressibility, pressure and temperature to determine billable volume at standard conditions. When orifice meters are used additional corrections may be made for the super compressibility and expansion effects, in accordance with industry standards.
8. "Cubic foot bottle" means a specifically constructed and calibrated bottle that can measure exactly one cubic foot of air. The calibration of the bottle is certified by the National Institute of Standards and Technology.
9. "Degree days" means a measure of coldness based on the extent to which the daily mean temperature falls below 65 degrees F. For example, on a day when the average temperature is 35 degrees F, there would be 30 degree days experienced.
10. "Distribution line" means a gas pipeline, other than a gas-gathering or transmission line, that is normally used by utilities for the transportation of natural gas and/or other flammable gas to customers.
11. "Discontinued" means that gas service is no longer provided to the customer and the prevention of gas flow is usually performed by a locking device (valve) located in the service line or in the meter assembly.

12. "Division" means the Rhode Island Division of Public Utilities and Carriers.
13. "DR meter" means a meter that does not register the consumption of gas.
14. "Fast meter" means a meter that measures more gas than is actually consumed.
15. "FERC" means the Federal Energy Regulatory Commission.
16. "Inactive" means a service line where gas service to the customer has been discontinued but the service line has not been abandoned.
17. "Jurisdictional propane system" means a propane system that serves ten or more residential customers, or two or more customers served in a public place, from a single or manifold tank system.
18. "LDC" means a local distribution company, which is also a public utility engaged in the business of manufacturing, distributing, selling, or transporting natural or other gas by pipeline in the State of Rhode Island.
19. "Master meter system" means a pipeline system for distributing gas within, but not limited to, a definable area, such as a mobile home park, housing project, or apartment complex, where the operator purchases metered gas from an outside source for resale through a gas distribution pipeline system. The gas distribution pipeline system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as by rents.
20. "Meter" means a device, instrument, or any attached device, used by a utility to measure a quantity of gas for billing purposes. The two (2) classes of gas meters consist of:
  - a. Class A meter - A meter having a rated capacity of not more than 500 cubic feet per hour at 1/2 inch water column differential pressure and operating at a gauge pressure of not more than 15 pounds per square inch and not greater than the maximum pressure rating of the meter expressed in pounds per square inch.
  - b. Class B meter - A meter having a rated capacity of more than 500 cubic feet per hour. The meter shall not operate at a pressure greater than the maximum pressure rating of the meter expressed in pounds per square inch.
21. "Potentially hazardous condition" means any condition which has the potential to become a hazardous condition, but which does not require immediate action. All of the following are examples of potentially hazardous conditions:



- a. Customer failure to permit the utility to perform inspections and maintenance on the utility's facilities in or on the customer's premises.
  - b. Customer alterations or modifications of the utility's facilities located in or on the customer's premises.
  - c. Customer construction of a structure or appurtenance near or over the main, service line piping, or meter set assembly so that the utility's facilities are not in compliance with the utility's standards.
  - d. Customer failure to correct or replace gas utilization equipment or gas fuel line piping that has been previously identified and classified as potentially hazardous by the utility.
22. "Public utility" as defined in R.I. Gen. Laws § 39-1-2.
23. "Referee test" means a meter test in which the customer requests to be present for the actual test or to be represented by the Division and/or the customer's agent.
24. "Slow meter" means a meter that measures less gas than is actually consumed.
25. "Therm" means a unit of heating valve equivalent to 100,000 BTU's.

## **1.4 Service Provisions**

- A. Filing of Rate Schedules: All rates, tolls and charges by the LDC shall be filed, posted, and available for public inspection in accordance with the provisions of R.I. Gen. Laws § 39-3-10. In addition, each LDC shall post this information on their company website.
- B. Information to Customers
1. Each LDC shall, upon request, provide its customers such information and reasonable assistance as will help them to select the best use of service at the most advantageous rate. However, the ultimate responsibility for the selection of the best use of service at the most advantageous rate will rest with the customer.
  2. Each LDC shall, upon request, explain to its customers the method of reading meters.
  3. Meters installed after the effective date of this instruction in a residential or commercial facility with more than one meter on a meter bar assembly must be marked to identify the individual customers. (i.e., apartment 1, apartment 2, second floor, third floor right, etc.)

- C. Deposits/Interest: To protect against loss, an LDC may require a deposit before rendering service to any customer. This deposit shall not be more than the two highest actual month's usage of a prior customer or the two highest estimated month's usage of the new customer if a prior customer does not exist. Interest shall be paid on deposits in accordance with applicable rate schedules or the terms and conditions of the LDC. Deposits plus accrued interest thereon, less any amount due the LDC, will be refunded upon termination of service. The company may return a deposit prior to the termination of service if it so desires. A customer may request a return of deposit prior to the termination of service if the customer has established a good payment history and the company agrees to the return of deposit. When an account is terminated, and a deposit or portion thereof is applied against an account that has been terminated, interest shall cease to be accumulated on the balance at the date of termination.
- D. Measurement of Service: All gas sold by an LDC shall be charged for on a metered basis except when sold under rates on some other basis with the prior approval of the Commission.
- E. Meter Reading and Bill Forms
1. Each service meter shall clearly indicate the registered billing units (hundreds or thousands of cubic feet of gas, or therms) In cases where the dial readings of a meter must be multiplied by a constant to obtain the cubic feet or other unit consumed, the proper constant to be applied shall be clearly marked on the customer's meter and the customer's bill. The labeling of meters will apply only to meters installed as of the effective date of this Part. When gas is measured under high pressure and/or high temperature, or when the quantity is determined by calculation from recording devices, the LDC shall upon request supply the customer with the basis and method of computation of the determined quantity.
  2. All service meters will be read at regular intervals and on approximately the corresponding day of each meter-reading period. In service areas that do not utilize AMR devices, the company must verify meter reads called in by the customer at least once every six (6) months.
  3. Bills shall be rendered at regular intervals and shall show the date of the current meter reading and the amount or quantity of service for the billing period.
  4. Each LDC shall keep an accurate account of all charges for service billed each customer and shall maintain records showing information from which each bill rendered may be readily computed.
  5. The billing date and the postmark date on the bill shall not vary by more than three (3) business days.

6. Estimated bills will not exceed 6 consecutive months on any residential, commercial, or industrial account.
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- F. Complaints by Customers: Each LDC shall make a full and prompt investigation of customer complaints, whether the complaint is directed to the company or through the Division. A record of 14 complaints received, other than those of a minor or routine nature, shall be kept for at least two (2) years, and shall show the name and address of the complainant, the date and character of the complaint, and the disposition thereof. A customer shall have the right to review the record of that customer's complaint(s) upon demand during that two (2) year period. The LDC shall provide the Division with a copy of any or all complaints upon demand. Records shall be provided, whether demanded by a customer or by the Division, within five (5) business days or less.
  - G. Change in Character of Service: Any change made by the LDC in the composition of the gas, the pressure, or other service conditions which would affect efficiency, or operation, or adjustment of appliances, the appliances of all customers in the district affected shall be inspected promptly, and, if necessary, shall be re-adjusted for the new conditions without undue delay by the LDC and without charge to the customer.
  - H. Discontinuance of Service
    1. Discontinuance of Service by the Customer: A customer must give reasonable notice of his/her intention to discontinue service in accordance with the provisions of the applicable rate or terms and conditions of service and shall be responsible for all charges until expiration of such notice period. The customer will be given a confirmation number at the time of the termination of service call. The confirmation number shall reflect the date and time the person called to disconnect service. For purposes of this rule, "reasonable notice" is defined as no less than five (5) business days.
    2. Discontinuance of Service by the Company
      - a. Non-Payment of Bills
        - (1) In accordance with the provisions of the applicable rate or terms and conditions of service, an LDC may require that bills be paid within a specified time after presentation. Failure to pay bills within the specified time shall be grounds for termination of service. The LDC may then initiate its termination process consistent with the rules established by the Commission for that purpose.
      - b. Discontinuance of Service by the Company for Violation of Rules

- (1) No LDC shall discontinue service to a customer for violation of any rule without written notice mailed at least ten (10) business days in advance of discontinuance advising the customer which rule has been violated and describing how that rule was violated, except that service may be discontinued immediately when the violation of the rule is such, in the opinion of the LDC, as to endanger life or property, or when ordered to do so by any governmental agency or official having jurisdiction.
  - (2) The LDC may, with or without notice, shut off the supply of gas to the premises, or make appliances inoperative, where in its opinion a "potentially hazardous condition" exists.
- c. For Fraudulent Use of Service: An LDC may discontinue service without notice whenever a fraudulent use of service by the customer is detected.

## **1.5 Quality of Gas Service**

### **A. Heating Value Requirements**

#### **1. Standard of Heating Value**

- a. Every LDC shall establish its own standard of heating value, which shall be stated in its rate schedule. If the transmission company supplying the LDC files a Federal tariff in compliance with 18 C.F.R. Part 154 of the FERC's "General Rules and Regulations" establishing a lower heating value for the gas it furnishes the utility, then the heating value thus established shall become the standard of the LDC for the gas it furnishes its customers. Resulting decreases in the wholesale rates charged the LDC by its supplier shall be reflected in the concomitant application of the LDC's filed Purchased Gas Price Adjustment to the rates charged its customers.
- b. Each LDC, unless specifically directed otherwise by the Division, shall maintain equipment for the determination of the heating value of the gas sold.
- c. Each LDC shall establish the accuracy of all means of determining heating value in normal use by periodic check tests and shall maintain a record of such tests on file for a period of two (2) years. If an LDC uses a calorimeter of the recording type, they shall be checked at least annually.

#### **2. Heating Value Tests (BTU)**

- a. The BTU value of the gas shall be determined at least once daily and more often if necessary to obtain an accurate record of the average BTU value and of any fluctuation in the heating value.
- b. To obtain the monthly average BTU value, the results of all tests of BTU value made on any day during the calendar month shall be averaged, and the average of all daily averages shall be taken as the monthly average. If an LDC's means of determining Btu value is of the recording type, its record shall be the basis for determining the weighted average BTU value, providing that the means of determining BTU value is tested for accuracy at least annually.
- c. Records of monthly average heating value, as determined under § 1.5(B)(2) of this Part shall be retained by the LDC for at least two (2) years and shall be readily available to the Division for inspection.

### 3. Purity Requirements

- a. All gas supplied to customers shall be substantially free of impurities which may cause corrosion of mains or piping or form corrosive or harmful fumes when burned in a properly designed and adjusted burner. No gas shall be stored that is not in conformance with ~~the applicable provisions of the most recent edition of the Federal rules set out in 49 C.F.R. § 192.475, incorporated above in § 1.1(A) of this Part.~~
- b. Notwithstanding, the provisions of § 1.5 (A)(3)(a) of this Part, gas delivered by the LDC shall be odorized by the addition of a malodorous agent in conformance with the applicable provisions of ~~the most recent edition of the Federal rules set out in 49 C.F.R. § 192.625, incorporated above in § 1.1(A) of this Part.~~

## B. Pressure Requirements

### 1. Pressure Variations

- a. The pressure at the outlet of any customer's service meter shall not normally be less than one-half of the normal pressure at the outlet. The maximum pressure shall not be greater than 12" of water column except by agreement with the customer.

### 2. Pressure Surveys and Records

- a. Each LDC shall maintain in continuous operation at least one recording pressure device in each area where the LDC maintains a district or division office, either in said office or at some customer's premises.

- b. Each LDC shall make a sufficient number of pressure tests in the areas served to indicate compliance with pressure requirements contained herein.
- c. All pressure recordings obtained under §§ 1.5(D)(2)(a) or (b) of this Part, shall be retained by the LDC for at least two (2) years and shall be available to the Division for inspection.

C. Interruption of Service (excluding customers purchasing gas on an interruptible basis)

1. Each LDC shall use all reasonable means to avoid accidental interruptions to service, but should such interruptions occur, service shall be reestablished within the shortest time possible, consistent with safety.
2. Each LDC shall keep a record of all interruptions to service affecting the entire distribution system serving a single community or a major division of a community and shall include in such record the date and time of such interruption, the approximate number of such customers affected, the date and time of service restoration, the cause of such interruption when known, and steps taken to prevent its recurrence.
3. When service is interrupted to perform work on lines or equipment, such work shall be done at a time causing minimum inconvenience to customers consistent with the circumstances. Customers seriously affected by such interruption shall be notified in advance if possible.
4. All accidental interruptions of service will be reported to the Division of Public Utilities & Carriers per the requirements set forth in § 1.14 of this Part, Natural Gas Telephonic Notice Reporting Requirements.

D. Abnormal Conditions

1. These Rules shall not apply to temporary conditions due to "Acts of God", fire, strikes, riots, terrorism, construction maintenance, interruption of gas supply from the LDC's wholesale supplier, or other disruptions of service beyond the control of the LDC; provided, however, that all LDCs shall initiate immediate action and proceed without delay and perform all necessary work to restore its system to normal operating conditions.

## **1.6 Meters in General, Installations, Accuracy, and Testing**

A. Meters in General

1. All meters removed from service due to a high bill complaint must be held for 60 days after the test to allow the customer ample time to review a second witnessed meter test if so desired. In order to prevent

contamination, all meters shall be capped until installation or retirement from service.

2. A meter with an index reading other than zero may be placed in service, provided that meter and billing records are kept in a manner permitting verification of the readings as of the time of removal from the prior premises and installation at the succeeding premises.
3. Tin case meters shall not be returned to service. Whenever a tin case meter is removed from service for any reason it must be tested for accuracy and held according to the requirements set forth in § 1.6(A)(1) of this Part, if applicable.
4. The capacity of the meter at installation shall be consistent with the reported projected gas requirements of the customer at the time of installation.

#### B. Meter Installations

1. Unless otherwise authorized by the Division, each LDC shall provide and install at its own expense, and shall continue to own, maintain and operate, all equipment necessary for the regulation and measuring of gas to its customers. A charge may be made for additional meters and regulators furnished by the LDC for the convenience of the customer.
2. The customer shall provide and have installed at his/her own expense all customer piping and equipment necessary for relocating the meter when relocation is:
  - a. requested by a customer;
  - b. required because of customer-initiated alterations; or
  - c. necessary to prevent a recurrence of discovered tampering or damage caused by the customer.

#### C. Testing and Calibration of Meters

1. Gas Meter Accuracy
  - a. Every gas meter, removed from service for any cause, or repaired, shall be tested for accuracy and adjusted, if necessary, to accuracy limits of 100 percent  $\pm$ 1.5 percent before being installed or reinstalled. In addition, the LDC shall replace any parts found to be worn or damaged in any meter that does not pass the accuracy test, and is subject to repair.

- b. Meters removed from service and/or repaired meters must be subjected to an internal pressure of at least 20 inches water column and checked for the presence of leaks.
- c. Tin case meters shall be subjected to an internal pressure of at least two (2) pounds per square inch when testing to determine the presence of any leaks.
- d. New, remanufactured or refurbished meters that are accompanied by a certified test certificate are not required to be tested before installation in the field if the test results on the certificate are within accepted accuracy limits of in § 1.6(C)(1)(a) of this Part.

2. Method of Testing: General Test Requirement

For the purpose of determining compliance with § 1.6(C)(1)(a) of this Part, the proof of registration of a displacement meter shall be determined by two tests, one known as the "Check-Rate" test, at a rate of flow at approximately 20% - 40% of the rated capacity of the meter, and one known as the "High-Rate" test, at a rate of flow at approximately 80% - 100% of the rated capacity of the meter. The tests at the two rates of flow, the "Check-Rate" test and the "High-Rate" test shall be comparable to within one (1) percent. If the tests at the two rates of flow do not agree to within one (1) percent, the meter must be repaired to meet the criteria. Both tests must also pass the accuracy test limits of 100 percent  $\pm$  1.5 percent as described in § 1.6(C)(1)(a) of this Part. The Division will require additional tests based on extenuating circumstances. All tests to determine the accuracy of any gas service meter shall be made with the appropriate bell, sonic nozzle, or transfer prover or other approved standard meter proving method such as differential testing of rotary meters and field proving of turbine meters.

3. Rotary Meters

Rotary meters shall be tested at not less than fifteen percent (15%) of full rated flow. A utility shall not install a rotary meter that is more than one half of one percent (0.5%) fast or more than one and one half percent (1.5%) slow at the points of test.

4. Orifice Meters

Orifice meters shall be manufactured and installed in accordance with all guidelines specified in the current edition of ANSI/API 2530 (AGA Report No. 3), Orifice Metering of Natural Gas. Orifice meters shall be tested at not less fifteen percent (15%) of full rated flow. The meters shall not be more than one half percent (0.5%) fast or more than one and one half percent (1.5%) slow at the points of the test.



5. Turbine Meters

Turbine meters for which the manufacturer has established minimum spin times, may be spin tested to determine their in-service condition. Turbine meters shall be given a spin test at least once every twelve (12) months unless covered under an approved in-service performance-testing program, or the operator receives a written waiver from the customer not to conduct the test per their decision. Any meter found to have a spin time less than the manufacturer's recommended minimum and which cannot be brought up to the minimum by cleaning and lubrication shall be changed and replaced with an accurate meter. Turbine type meters shall be tested at not less than fifteen percent (15%) of full rated flow. The meters shall not be more than one half percent (0.5%) fast or more than one and one half percent (1.5%) slow at the points of the test.

6. Gas Volume Corrections

Gas volume corrections for temperature shall be made in accordance with Charles' law. Gas volume corrections for pressure shall be made in accordance with Boyle's law. Gas volume corrections for supercompressibility shall be made in accordance with either of the following publications of the American Gas Association (AGA):

- a. Manual for the Determination of Supercompressibility Factors for Natural Gas, Project NX-19 (1962) (A.G.A. Catalog No. L00340), incorporated above in § 1.1(C) of this Part.
- b. Compressibility and Supercompressibility for Natural Gas and Other Hydrocarbon Gases, Transmission Measurement Committee Report No. 8 (1992 A.G.A. Catalog), incorporated above in § 1.1(C) of this Part.

7. Testing Facilities and Equipment

- a. Each LDC shall maintain the equipment and facilities necessary for accurately testing meters used for the measuring of gas delivered to its customers, unless arrangements approved by the Division shall have been made to have the testing done elsewhere. The LDC shall maintain this equipment in good condition and correct adjustment so that it can determine the accuracy of any service meter to within one half of one percent (0.5%). The area within the meter shop used for the testing of meters shall be designed so that the meters and meter testing equipment are protected from draft and excessive changes in temperature.
- b. Accepted good practice. The following publications are considered to be representative of accepted good practice in matters of metering and meter testing:

- (1) American National Standard for Gas Displacement Meters (500 Cubic Feet per Hour Capacity and Under (Class A)), ANSI B109.1-2000.
- (2) American National Standard for Diaphragm Type Gas Displacement Meters (Over 500 Cubic Feet per Hour Capacity (Class B)), ANSI B 109.2-2000.
- (3) American National Standard for Rotary Type Gas Displacement Meters, ANSI B 109.3-2000. 25
- (4) Measurement of Gas Flow by Turbine Meters, ANSI/ASME MFC-4M-1997 and American Gas Association (AGA) Report 7, Sections 8 and 9.
- (5) Orifice Metering of Natural Gas and Other Related Hydrocarbon Fluids, ANSI/API 2530-1991.

8. Measurement of gas at higher than standard service pressure.

- a. Pressure-recording equipment. If gas is measured to customers through meters at a pressure greater than standard service pressure, the meters shall be equipped with reliable pressure-volume recording gauges or other devices for accurately determining the quantity of gas that has passed through the meter in accordance with contract or tariff provisions.
- b. Determination of multiplier. In computing the volume of gas at a given pressure base from a pressure-volume chart, the multiplier shall be obtained by the weighted average method, which consists of determining the average pressure for each indicated unit volume on the chart.
- c. Fixed pressure factor measurement. If the gas metering pressure can be maintained at a constant level so that it will not vary by more than plus or minus 1.0% of the absolute metering pressure, the quantity of gas corrected for pressure for billing purposes may be determined by multiplying the uncorrected volume by the factor of Metering Pressure Plus Atmospheric Pressure Divided by Base Pressure or by a special index with gearing to perform this calculation. The special index shall meet the specifications of ANSI Standard B109.1, § 6.2 (1986) or ANSI Standard B109.1, § 6.9 (1986), incorporated above in § 1.1(D) of this Part. The ability of the regulator to maintain the constant pressure shall be verified at or prior to installation. Verification will be established by the use of a verified pressure-indicating gauge (accuracy: ANSI B40.1 Grade 3A, incorporated above in § 1.1(D) of this Part), or a pressure-recording gauge, at both high and low flow conditions where

practicable, but never less than one (1) verification under actual operating conditions. Annual reports of the results of periodic tests will be forwarded to the Division by March 31st for the prior year.

9. AMR Device Verification

All meters with an AMR device shall be tested to verify the AMR reading is in sync with the meter index. AMR devices will be verified at all meter testing and before installation at a customer's premises.

D. Test Schedules

1. Periodic Tests of Meters in Service

All gas meters in service shall be tested in accordance with the following schedule and, if necessary, shall be adjusted to register within the tolerance prescribed in § 1.6(C)(1) of this Part.

- a. All meters rated by the manufacturer up to and including five hundred (500) cubic feet per hour (Class A), based on one-half inch (1/2") water pressure differential shall be proof tested not less than once each fifteen (15) year service period.
- b. Meters normally rated by the manufacturer in excess of five hundred (500) cubic feet per hour (Class B), based on one-half inch (1/2") water 27 pressure differential, shall be proof tested not less than once in each ten (10) year service period.
- c. Each meter so tested shall have affixed the seal prescribed by the Division. (See §1.13 of this Part)
- d. In addition, the Division retains the right to order the testing of meters on a random basis on behalf of the customer.

E. Request Tests

1. Generally, when requested by a customer, or by the Division on behalf of the customer, LDC shall test the accuracy of the customer's meter within fifteen (15) days from the time the request is made or earlier if requested by the Division. If the meter has been tested during the preceding thirty-six (36) months, the LDC may require the deposit of a customer fee of seventy-five (\$75.00) dollars for such a test.
  - a. If, on testing, the meter is found to be fast by more than 1.5%, the deposit shall be promptly refunded. If the meter is not found to be fast by as much as 1.5%, the LDC shall retain the amount deposited for the test.

- b. A report giving the name of the customer requesting the test, the date of the request, the location the meter was in service, the location where the meter test was performed, the type, make, size, the serial number of the meter, the date tested, and the result of the test shall be supplied to each customer within a reasonable time after completion of the test.
  - (1) The LDC shall retain copies of the above reports for at least two (2) years.
- c. A customer, the Division, or an agent thereof may be represented in person when the LDC conducts the test on the meter.

2. Referee Tests:

- a. The LDC, when notified by a customer that a referee test of the meter is requested, shall notify the Division. The LDC, as herein provided, shall not knowingly remove, interfere with, adjust, or pretest the meter to be tested without the written consent of the customer or approval of the Division.
- b. The Division, when notified by a customer that a referee test of the meter is requested, shall notify the LDC to remove and seal the meter in the presence of the consumer or the Division if so requested. If directed to seal the meter, the LDC shall keep the meter in the same condition with the seal unbroken until the test can be made in the presence of the customer, their agent and/or the Division.
- c. All referee meter tests shall include an inspection of the meter index by removing the index from the meter body. The dials, gears and all other parts of the index shall be visually inspected for wear, misalignment or other mechanical defects that would affect the accuracy of the meter on a continuing or sporadic basis.
- d. Failure to abide by the above Referee Test procedures will result in the maximum penalty as set forth in R.I. Gen. Laws § 39-2-8.

F. Customer's Billing Adjustments

1. Fast Meters

- a. Whenever, as the result of a test made by the LDC, a gas meter is found to be fast in excess of 1.5% of the correct amount, the LDC shall refund to the customer an amount equal to the charge for gas billed in excess of 100% for the two (2) highest months gas bill multiplied by 6 (six) for the year prior to the test, or the highest two

(2) months gas bills 29 multiplied by 6 (six) from the last test date if the test was made within the last twelve (12) months.

- b. However, if the time when the error first developed or occurred can be definitely fixed, the amount to be refunded is to be based thereon; the time period for which the LDC is required to adjust, refund or credit the customer's bill shall not exceed five (5) years unless otherwise ordered by the Division.
  - c. Under no circumstance will a refund be made to a customer if there is evidence of gas diversion or that the meter has been tampered with. If the meter test is conducted within less than 12 months of service with the present customer of record and the meter test fails resulting in a refund, the refund shall be appointed to customers who received service through the meter found to be registering inaccurately. In the case of a previous customer who is no longer a customer of the LDC, a notice of the refund shall be mailed to his or her last known address
2. Slow Meters: Whenever, as the result of a test made by the LDC, a gas meter is found to be slow in excess of 2.0% of the correct amount, the LDC shall be required to issue a corrected bill to the customer for an amount equal to the charge for gas that was under billed. If the gas meter is found to be slow less than 2.0% the LDC shall not issue a corrected bill.
  3. Non-Registration, Does Not Register (DR Meter), or Unaccountable Gas: If a meter is found which does not register, the bill for the period of non-registration shall be based upon information recorded prior or subsequent to the 30 period of non-registration and by any other pertinent information supplied by the customer or known to the LDC (such as an active "AMR" device). The company may use a prior year's usage for the same time period of non-registration as long as the "degree days" are taken into consideration in the calculation. The company shall act to correct the problem within two (2) months of receiving evidence of a non-registering meter. In no case will the LDC be allowed to recover billing for unaccounted for gas past (two) 2 months of non-registration of the meter, or, if the meter has an attached AMR device, the non-registration of the meter and the non-registration of the AMR device. However, the Division will permit the LDC to seek a waiver from the Division with respect to the foregoing billing prohibition. The waiver request shall include details of the LDC's efforts and experienced difficulties in accessing the customer's property in order to repair the non-registering meter. The waiver shall be filed with the Division prior to the expiration of the two-month billing deadline.
  4. Estimated Bills: Once the LDC has to use estimated bills for a six (6) month period, it will treat the account as if it were one with a non-

registration meter and shall have no more than two (2) months to obtain an actual read.

5. Adjustments to bills for other meter errors: If a customer has been overcharged or undercharged as a result of an incorrect reading of the meter, incorrect application of the rate schedule, incorrect connection of the meter, application of an incorrect multiplier or constant or other similar reason, the overcharge shall be refunded to the customer or the undercharge may be billed to the customer.

#### G. Records of Meters and Tests

1. Each LDC shall keep, numerically arranged and properly classified, records giving, for each meter used and owned by the LDC for any purpose, the identification number, date of purchase, name of manufacturer, serial number, type, a history of the premises where the meter was located, a history of the meter testing sites, and the meter's rating. A complete record of the latest test made on a meter shall be retained in the LDC's files for a period of fifteen (15) years in such a manner that it will be readily available to the Division or the ratepayer for inspection, unless the meter is permanently retired in such case the records should be retained for three (3) years after condemnation.
2. Each LDC shall report annually to the Division a summary report of meter tests made during the year. The report will include the number of meters tested, the number of meters considered "DR" or non-registering, the number of meters found to be accurate within the allowable limits, the number of meters found to be fast, and the number of meters found to be slow. In addition to the number of meters found to be outside the allowable limits the LDC shall report how many meters were over 3% fast or slow.

## 1.7 Equipment and Facilities

#### A. Standard Practice

1. The gas facilities of the LDC shall be constructed, installed, maintained and operated in accordance with accepted good engineering practice in the gas industry to assure, as far as reasonably possible, continuity of service, uniformity, in the quality of service furnished and the safety of persons and property.
2. In determining standard practice, the Division has ~~adopted~~ incorporated by reference in §§ 1.1(A) and (B) of this Part, and the LDC shall use, the applicable provisions of the most recent editions of 49 C.F.R. Parts 190 - 199 and Part 40 Pipeline Safety Regulations, NFPA 54 National Fuel &

Gas Code, NFPA 58 Storage and Handling of Liquefied Petroleum Gases, NFPA 59 Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants, and NFPA 59A Production Storage and Handling of Liquefied Natural Gas (LNG), except as any of the foregoing may in any particular case be modified by statute, ordinance, orders, rules or regulations by governmental bodies or agencies having jurisdiction. The LDC shall be guided by the following American National Standards Institute (ANSI) publications:

- a. ANSI/API 2530, "Orifice Metering of Natural Gas and Other Related Hydrocarbon, A.G.A. Report No. 3," incorporated by reference in § 1.1(E) of this Part, as follows:
  - (1) Part I, "General Equations and Uncertainty Guidelines," (1990) (A.G.A. Catalog No. XQ9017).
  - (2) Part II, "Specification and Installation Requirements," (1991) (A.G.A. Catalog No. XQ9104).
  - (3) Part III, "Natural Gas Applications," (1992) (A.G.A. Catalog No. XQ9210).
  - (4) Part IV, "Background Development, Implementation Procedures, and Sub-Routine Documentation for Empirical 33 Flange-Tapped Discharged Coefficient Equation," (1992) (A.G.A. Catalog No. XQ9211).
- b. ANSI B109.1, "Diaphragm Type - Gas Displacement Meters, Under 500 Cubic Feet per Hour Capacity," (1992) (A.G.A. Catalog No. X69218), incorporated by reference in § 1.1(F) of this Part.
- c. ANSI B109.2, "Diaphragm Type - Gas Displacement Meters, 500 Cubic Feet per Hour Capacity and Over," (1992) (A.G.A. Catalog No. X69219), incorporated by reference in § 1.1(F) of this Part.
- d. ANSI B109.3, "Gas Displacement Meters, Rotary Type," (1992) (A.G.A. Catalog No. X69220), incorporated by reference in § 1.1(F) of this Part.
- e. ANSI Z223.1 National Fuel Gas Code. The Division adopts by reference as rules, and the LDC shall use, the following American Society for Testing and Materials (ASTM) publications, incorporated by reference in § 1.1(G) of this Part:
  - (1) ASTM specification D-1826 "Calorific Value of Gases in Natural Gas Range by Continuous Recording Calorimeter," (D1826-88).

- (2) ASTM specification D-1945 "Method for Analysis of Natural Gas by Gas Chromatography," (D1945-91).
- (3) ASTM specification D-3588 "Method for Calculating Calorific Value and Specific Gravity (Relative Density of Gaseous Fuels)," (D3588-91)

B. Construction and Maintenance

Each LDC shall construct, install, operate and maintain its plant, structures, equipment, and gas pipelines in accordance with standard practice, as defined in the paragraphs above, and in such manner as to best accommodate the public and to prevent interference with service provided by other public utilities.

## 1.8 Records and Reports

A. Physical Plant Records

Each LDC shall keep sufficient records of the operation of its physical plant to show the characteristics and performance of each unit.

B. Gas Supply Measurement

Each LDC shall utilize a suitable measuring device, or otherwise determine production, at each source of supply in order that a record may be maintained of the quantity of gas produced at each source. Unless the transmission company supplying the gas furnishes sufficient information, each LDC purchasing gas shall maintain adequate instruments and meters to obtain complete information as to such purchases.

C. System Maps

Each LDC shall have on file, located within the State, a suitable map, maps, drawings or electronic data, showing the following:

1. The size, character and location of all mains, including valves.
2. The size and location of each service connection, where practicable. In lieu of showing service locations on maps, a card record or other suitable means may be used.
3. The layout of all principal metering and regulator stations, production plants to show size, location and character of all major equipment pipelines, connections, valves and other equipment used.

D. Preservation of Records



The LDC shall preserve all records required by these Rules for a period of two (2) years unless otherwise designated herein. Such records shall be kept within the State of Rhode Island at the office or offices of the LDC and shall be available for examination by the Division.

E. Reports to Division

The LDC shall furnish to the Division, at such times and in such form as the Division may require, the results of any required tests and summaries of any required records. The LDC shall also furnish the Division with any information concerning the LDC's facilities or operations which the Division may request and need for determining rates or judging the practices of the LDC.

## **1.9 General/Safety**

A. Safety Instructions

1. Each LDC shall adopt comprehensive instructions for the safety of employees in regard to the operation, construction or maintenance of its plant and facilities, and shall be satisfied that such employees have been properly informed of safe practices and are cognizant of all hazards involved.
2. Except in certain commercial and industrial applications that require a standby fuel the LDC shall have the authority to refuse initial natural gas service 36 to a customer that uses another gaseous fuel, such as liquefied petroleum gas, in the same building.
3. Anytime the existence of a mercury regulator is found in a commercial or residential facility the LDC shall remove said mercury regulator and contract for the disposal of the contents in a safe and acceptable manner consistent with all applicable Federal and State regulations regarding such practice.

B. Accidents

Each LDC shall report to the Division as soon as possible after each accident occurring in connection with the operation of its property, facilities, or service, wherein any person shall have been killed, admitted to a hospital, or whereby any property damage shall have been caused. The first report may be preliminary, but, if so, shall be followed later by as full a statement as possible of the cause and details of the accident and the precautions taken, if any, to prevent recurrence.

C. Penalties

Any LDC found guilty of violating any provision of these rules shall be subject to the penalties set forth in R.I. Gen. Laws §§ 39-2-8 or 39-3-40 as appropriate.

## **1.10 Abandonment of Gas Services**

- A. Abandonment of Service Lines That Become Inactive after the Effective Date of these Regulations:
1. All non-plastic and non-cathodically-protected steel inactive service lines and service stubs shall be abandoned within five (5) years, unless such lines have been reactivated prior to that time.
  2. All plastic and cathodically-protected steel inactive service lines shall be physically disconnected (cut off) within close proximity of a property line within five (5) years.
  3. The LDC should determine whether inactive service lines ought to be abandoned at any prior time. The determination shall be based on such appropriate variables as service line age, location, condition, material, construction methods, leak and maintenance history of the pipe, existence and/or application of cathodic protection, individual and property-owner requests and other criteria selected by the LDC.
- B. Abandonment of any Inactive Service Line
1. Notwithstanding the above, inactive service lines, which shall be abandoned promptly, are those:
    - a. located in, or in close proximity to, excavations; or
    - b. located in, or in close proximity to, buildings being demolished; or
    - c. discovered to be leaking gas; or
    - d. unrecorded or previously unknown lines discovered in the course of leakage surveys, construction, maintenance or inspection of facilities.
- C. Records, Reports and Procedures
1. Readily accessible records of inactive service lines and service stubs shall be maintained by the LDC which shall include the type of pipe material, the service line's location, the date the service line became inactive, and the date the service line was installed. If any information is unavailable to or unobtainable by the LDC, it shall be listed on the record as "unknown".

## **1.11 Control of Drug and Alcohol Use**

Refer to the Federal Pipeline Safety Regulations rules set out in 49 C.F.R. Part 40 and Parts 190-199, incorporated above in § 1.1(A) of this Part.

## 1.12 Enforcement Procedures

### A. Jurisdiction

1. The Rhode Island Division of Public Utilities and Carriers, pursuant to R.I. Gen. Laws §§ 39-3-1 and 39-4-1, is empowered to prescribe and enforce safety standards and to regulate safety practices of persons engaged in the transportation of natural gas and other gas by pipeline to the extent permitted by the Natural Gas Pipeline Safety Act of 1968, Public Law 90-481, and any amendments thereto.
2. The Federal regulations issued under the Act of 1968, Public Law 90-481, promulgated by the Office of Pipeline Safety of the United States Department of Transportation and published in 49 C.F.R. Part 40 and 40 C.F.R. Parts 190-199, incorporated above in § 1.1(A) of this Part, apply to all LDC's, Master Meter Systems, and Jurisdictional Propane Systems. The Safety Standards of the Act (the Pipeline Safety Regulations) apply to design, installation, inspection, testing, construction, extension, operation, replacement and maintenance of pipeline facilities. Standards affecting the design, installation, construction, initial inspection, and testing, are not applicable to pipeline facilities in existence prior to the act. The Division has adopted the above regulations as state regulations.
3. The Division may prescribe additional safety standards that apply to LDC's, Master Meter Systems, and Jurisdictional Propane Systems. Such safety standards shall be practicable and designed to meet the needs for pipeline safety. When prescribing and enforcing such standards, the Division will consider:
  - a. Relevant available pipeline safety data.
  - b. Whether such standards are appropriate for the particular type of pipeline transportation.
  - c. The reasonableness of any proposed standards.
  - d. The extent to which such standards will contribute to public safety.
4. Whenever the Division finds a particular facility to be hazardous to life or property, it is empowered to require the person operating such facility to take steps necessary to remove such hazards.

### B. Authority to Inspect

1. The Division has the power to investigate all methods and practices of the LDC's, Master Meter Systems, or Jurisdictional Propane Systems, to require the maintenance and filing of reports, records, and other information in such form and detail as the Division may prescribe, to enter

at all reasonable times to inspect the property, buildings, plants, and offices of such LDC's, Master Meter Systems, or Jurisdictional Propane Systems, and to inspect books, records, papers, and documents relevant to the enforcement of the rules and regulations.

C. Intervals of Inspection

1. The Division is authorized to enter upon, inspect and examine, at all reasonable times and in a reasonable manner, the records and properties of the LDC's, Master Meter Systems, or Jurisdictional Propane Systems to the extent such records and properties are relevant to determining the compliance of such entities with Division rules, regulations, or orders.
2. Jurisdictional pipeline facilities have been categorized into four classifications
  - a. LDC's,
  - b. LNG facilities,
  - c. Master Meter Systems, and
  - d. Jurisdictional Propane Systems.
3. The Divisions inspection frequency of these facilities is as follows:
  - a. LDC's; annual standard inspections will be conducted of each gas distribution inspection unit. Other than the normal amount of specialized inspections the Division will schedule additional inspections if the results of the standard inspection indicate a need for additional inspections.
  - b. LNG; facilities will receive an annual standard inspection. Supplementary periodic inspections may also be conducted.
  - c. Master Meter Systems; systems will be inspected at least once a year.
  - d. Jurisdictional Propane Systems; systems will receive an annual standard inspection. Supplementary periodic inspections may also be conducted.
4. Inspections are ordinarily conducted pursuant to one or more of the following:
  - a. Routine scheduling
  - b. A complaint received from a member of the public.

- c. Information obtained from a previous inspection.
- d. Pipeline accident or incident.
- e. Whenever deemed appropriate by the Division.

D. Inspection of LDC's, Master Meter Systems, and Jurisdictional Propane

1. The Division shall attempt to periodically inspect every LDC, Master Meter System, and Jurisdictional Propane System, with priority given to inspecting systems with greater risk potential. In determining the potential risk, the following factors may be considered:
  - a. The ratio of total steel pipe to coated pipe.
  - b. The ratio of total steel pipe to cathodically protected steel pipe.
  - c. Leaks per mile of main.
  - d. Leaks per number of services.
  - e. Unaccounted – for gas volumes and percentages.
  - f. Number of accidents or incidents.
  - g. History of violations discovered.
2. The inspection will include a thorough review of the records concerning inspection, operation, maintenance and emergency procedures. Field inspections will include operational checks of corrosion control provisions, overpressure and regulating equipment, odorization, repaired leaks, emergency valves and any other components of the facility.

E. Discovery and Notice of Alleged Violation

1. When an evaluation of records and facilities indicates an alleged violation with state or federal regulations, the inspector shall review the basis for such alleged violation with the LDC, Master Meter System, or Jurisdictional Propane System before concluding the inspection. The inspector shall then notify the appropriate official of the alleged violation in writing within 90 days of the discovery of the alleged violation. The inspector shall also make an alleged violation report to be retained by the Division.
2. Any documentation or physical evidence necessary to support an alleged violation may be obtained during the inspection or requested in writing immediately after conclusion of the visit.

F. Response Options Available

1. The LDC, Master Meter System, or Jurisdictional Propane System shall respond within twenty (20) business days of mailing a notice of an alleged violation in the following manner:
  - a. Submit a written plan of action to the Division outlining actions that will be taken to correct the alleged violation, including a schedule and the date when compliance is anticipated; or
  - b. Request an informal conference with the Division. The alleged violation may be resolved if the plans in option (a) above, are accepted by the Division.
  - c. However, if the LDC, Master Meter System, or Jurisdictional Propane System selects option (b), an informal conference will be scheduled as explained below in § 1.12(G) of this Part. Failure to respond in accordance with this section will result in formal legal or administrative action as stated in § 1.12(H) of this Part.

#### G. Informal Conference

After receiving the request for an informal conference, a date and time for a conference will be arranged. At the conference, the basis for the alleged violation will be reviewed. The LDC, Master Meter System, or Jurisdictional Propane System may explain its position and may present alternatives for rectifying the problem. The investigator who issued the notice of alleged violation will represent division staff and by others the Division deems necessary. The report generated by the informal conference will be filed with the alleged violation and retained by the Division. If agreement cannot be reached, the enforcement procedure will continue as explained in § 1.12(H) of this Part.

#### H. Division Action

1. If the Division is not satisfied with the proposed solution as outlined in §§ 1.12(F) and (G) of this Part, the Division can:
  - a. Seek an injunction in Superior Court in cases where immediate action is necessary, or
  - b. Issue a show cause order and/or schedule an evidentiary hearing requiring the operator to demonstrate why the LDC, Master Meter System, or Jurisdictional Propane System should not be subject to the penalties set forth in R.I. Gen. Laws §§ 39-2-8 and/or 39-3-40.
  - c. Pursuant to an evidentiary hearing, order the LDC, Master Meter System, or Jurisdictional Propane System to take corrective action. Failure to obey such an order will result in the aforementioned penalties.

I. Appeal

Any LDC, Master Meter System, or Jurisdictional Propane System aggrieved by a final decision of the Division may appeal to the Rhode Island Superior Court under R.I. Gen. Laws § 42-35-15.

J. ~~Addendum~~

- ~~1. Under the Rhode Island Administrative Procedures Act, specifically, R.I. Gen. Laws § 42-35-3, the Rhode Island Division of Public Utilities and Carriers is required to provide two statements with reference to the Rules and Regulations attached hereto.~~
- ~~2. The first statement, made pursuant to R.I. Gen. Laws § 42-35-3, supra, is designed to demonstrate the need for the adoption of the instant rules and regulations. The Division of Public Utilities and Carriers asserts that the Rules and Regulations, as filed, satisfy the federal requirements contained in Section 5 of the Natural Gas Pipeline Safety Act of 1968, as amended.~~
- ~~3. The second statement, made pursuant to R.I. Gen. Laws § 42-35-3, supra, addresses whether the instant Rules and Regulations would have a significant adverse economic impact on small business. The Division of Public Utilities and Carriers maintains that this section is inapplicable to the present rulemaking procedures, as the business entities that would be subject to This Part are not small businesses as defined in the Rhode Island Administrative Procedures Act. R.I. Gen. Laws § 42-35-1.~~

**1.13 Meter Labeling (Appendix A)**

- A. There shall be provided and affixed to the front of each customers gas meter a waterproof decalcomania having a bright yellow background enclosed by black border lines not less than 1/16" in width.
- B. Within the border lines there shall be printed on the label with black ink in characters not less than 3/16" high arranged in three lines with the third line not less than 1/4" high indicating the month and year the meter was last installed in accordance with the following label arrangement:

<p>TESTED AND ADJUSTED</p> <p><b>TO R.I.D.P.U. STANDARDS</b></p> <p><b>INSTALLATION DATE:</b></p>
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C. Each "Decal" label shall not be less than 2 1/4" in length by 7/8" in width in size. The coloring or printing shall be of a material that is suitable for New England climatic exposure. Any meter removed from service due to a high bill complaint must maintain the meter decal label until the required two (2) month holding period has ended.

#### **1.14 Telephonic Notice of Certain Gas Incidents (Appendix B)**

- A. At the earliest practicable moment following discovery each LDC, Master Meter System, or Jurisdictional Propane System shall give notice of any gas incident. "Incident" means any of the following events that results:
1. In the involvement of an unanticipated release of gas:
    - a. from a pipeline or
    - b. an LNG facility or
    - c. of a liquefied natural gas or
    - d. a death or personal injury or
    - e. property damage
  2. From the excavating operations of another party
  3. In an emergency shutdown of an LNG facility
  4. In the involvement by police, fire, or media personnel
  5. In a house or building being evacuated (public or private)
  6. In any other situation that is significant, in the judgment of the operator, even though it did not meet the above criteria, such as but not limited to, overpressure, loss of system pressure, outages, etc.
- B. Between the hours of 8:30 A.M. and 4:00 P.M., Monday – Friday - call the Division of Public Utilities & Carriers engineering section office numbers until a person is contacted. Do not leave an emergency notice on voice mail. If the personnel list is exhausted, please dial "0" for operator and you will be transferred to another staff member.
- C. After work hours call the phone numbers in the order listed on your "Emergency Response Chart" until a person is contacted. If there is no response, continue to call every hour until someone answers. If the Division requests a written report of the incident, it must be submitted within one week. Appropriate personnel within your respective gas companies must have a copy of these phone numbers and a copy must be inserted in your companies' O&M manual.



