

CHAPTER 20. GAS AND HAZARDOUS LIQUID PIPELINE SAFETY

Subchapter Section

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[**Authority:** 52 O.S. Sections 5 and 47]

[**Source:** Codified 12-31-91]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

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165:20-1-1. Purpose

The purpose of this Chapter is to provide minimum safety standards for the transportation of gas and hazardous liquids and for pipeline facilities used for this transportation.

165:20-1-2. Definitions

For proper interpretation of this Chapter, definitions are also provided in the herein adopted C.F.R. provisions. The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Commission**" means the Oklahoma Corporation Commission.

"**Intrastate**" means wholly within the boundaries of the State.

"**Legal staff**" means the office of General Counsel of the Commission.

"**Manager of Pipeline Safety**" means the Manager of the Pipeline Safety Department of the Commission.

"**Pipeline Safety Department**" means the Department of Pipeline Safety for the Commission.

"**Secretary**" means the custodian of official records of the Commission.

"**State**" means the State of Oklahoma and all lands within its boundaries.

"**Transportation of gas or hazardous liquids**" means the gathering, transmission, or distribution of gas or hazardous liquids by pipeline or its storage.

165:20-1-3. Citation

The rules embodied in this Chapter shall be cited as OAC 165:20.

165:20-1-4. Forms and documentation

(a) The Commission is empowered to prescribe necessary and proper forms in order to effectuate the purpose of this Chapter. The Manager of Pipeline Safety shall prescribe the number of copies of an appropriate form which shall be necessary to comply with the filing requirements in this Chapter.

(b) Plans, specifications, maps, and other data relative to natural gas pipeline systems and hazardous liquid pipeline systems shall be submitted to the Commission as prescribed by the Manager of Pipeline Safety in order to

effectuate the purpose of this Chapter. This subsection is applicable to the operators of pipelines regulated pursuant to Subchapters 5 and 7 of this Chapter.

(c) Plans and maps submitted to the Commission pursuant to subsection (b) shall be deemed confidential records or trade secrets of the operator under the Open Records Act as provided for by 51 O.S. §24A.22 and shall be kept confidential by the Commission, unless such records are successfully challenged or become the subject matter of an enforcement action at the Commission.

[Source: Amended at 15 Ok Reg 3002, eff 7-15-98]

165:20-1-5. Severability

The provisions of this Chapter are severable and if any part or provision hereof shall be held void, the decision of the court so holding shall not affect or impair any of the remaining parts of provisions of this chapter.

SUBCHAPTER 3. PIPELINE ASSESSMENTS

Section

165:20-3-1. Pipeline assessments

165:20-3-1. Pipeline assessments

(a) **Application.** Every operator of a pipeline subject to the jurisdiction of the Commission for pipeline safety shall pay assessments to the Commission as set forth in the provisions of this Section.

(b) **Calculation.** For purposes of this Section, the rate of assessment shall be determined on the basis of each operator's total number of miles of pipeline during any given assessable year within the state, subject to the jurisdiction of the Commission for pipeline safety, as follows:

(1) For gas pipelines as established by 165:20-5-21(1): Each operator having more than thirteen one-third (13 $\frac{1}{3}$) miles of pipe subject to the provisions of this Section during the assessable year, the rate of assessment shall be fifteen dollars (\$15.00) per mile.

(2) For hazardous liquid pipelines as established by 165:20-7-1(a): For each operator having pipelines more than six and two-thirds (6 $\frac{2}{3}$) miles of pipe subject to the provisions of this Section during the assessable year, the rate of assessment shall be thirty dollars (\$30.00) per mile.

(3) **[REVOKED]**

(4) For each operator subject to paragraphs (b)(1) or (b)(2) of this Section that have mileage equal to or less than the specified amounts found in those paragraphs: The rate of assessment shall be two hundred dollars (\$200.00), regardless of actual pipe mileage.

(c) **Payment.**

(1) For purposes of payment of assessment, an assessable year shall be the period of time from the first day of January of any given calendar year to the 31st of December of the same calendar year.

(2) All operators who must pay annual assessments under the provisions of this Section shall pay their annual assessment for any given year on or before the 15th of August following the assessable year.

(3) Operators who purchase or acquire pipeline systems subject to an annual assessment, after the assessable year, are responsible for payment of the assessment.

(4) All payments of assessments shall be deposited by the Commission in the "Corporation Commission Revolving Fund".

[Source: Amended at 11 Ok Reg 3703, eff 7-11-94; Amended at 14 Ok Reg 2496, eff 7-1-97; Amended at 18 Ok Reg 2376, eff 7-1-01]

SUBCHAPTER 5. SAFETY REGULATIONS FOR GAS PIPELINES

PART 1. GENERAL PROVISIONS

Section

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PART 1. GENERAL PROVISIONS**165:20-5-1. Definitions**

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Incident" means any of the following events:

- (A) An event that involves a release of gas from a pipeline, and:
- (i) A death, or personal injury necessitating inpatient hospitalization; or
 - (ii) Estimated property damage, including cost of gas lost, of the operator or other, or both, of five thousand dollars (\$5,000.00) or more.
- (B) An event that is significant in the judgement of the operator, even though it did not meet the criteria of (A) of this definition.

"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 system supplies the ultimate consumer who either purchases the gas directly through a meter or by other means, such as rents.

"Pipeline" or **"Pipeline system"** means all parts of those physical facilities through which gas moves in transportation, including, but not limited to, pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies.

"Third party damage" means an outside force damage directly attributed to the striking of gas pipeline facilities by

earth moving equipment, other equipment, tools, vehicles, vandalism, etc. Damage is by personnel other than the operator or the contractor working for the operator.

[Source: Amended at 14 Ok Reg 2496, eff 7-1-97]

165:20-5-2. Scope

- (a) This Subchapter prescribes requirements for the reporting of incidents and annual pipeline summary data by operators of gas pipelines facilities subject to the jurisdiction of the Commission for pipeline safety.
- (b) This Subchapter does not apply to onshore gathering of gas outside of the following areas:
 - (1) An area within the limits of any incorporated or unincorporated city, town, village; or
 - (2) Any designated residential or commercial area such as a subdivision, business or shopping center, or community development.

165:20-5-3. Annual reports and incident reports; federal reporting requirements

The reporting requirements of 165:20-5-11, 165:20-5-12, 165:20-5-13, and 165:20-5-14 do not relieve the operator of his federal reporting requirements as found in 49 C.F.R. §§ 191.5, 191.7, 191.9, 191.11, 191.13, 191.15 and 191.17.

165:20-5-4. Change of ownership

Each operator, upon finalization of an agreement to purchase or sell a gas pipeline subject to the provisions of 49 C.F.R. Part 192, must within five (5) working days submit to the Pipeline Safety Department a written notification of this agreement.

[Source: Added at 14 Ok Reg 2496, eff 7-1-97]

PART 3. TELEPHONIC NOTICE AND REPORTING REQUIREMENTS

165:20-5-11. Telephonic notice of certain incidents

- (a) At the earliest practicable moment following discovery, each operator shall give notice in accordance with (b) or (c) of this Section of each incident as defined in 165:20-5-1.
- (b) Each notice required by (a) of this Section shall be made by telephone to the Pipeline Safety Department at 405-521-2258 and shall include the information as listed in (c) of this Section.
- (c) The following information will be provided:
 - (1) Names of operator and person making report and their telephone numbers.
 - (2) The location of the incident.
 - (3) The time of the incident.
 - (4) The number of fatalities and personal injuries, if any.
 - (5) All other significant facts that are known by the operator that are relevant to the cause of the incident or extent of the damage.

[Source: Amended at 11 Ok Reg 3703, eff 7-11-94; Amended at 14 Ok Reg 2496, eff 7-1-97]

165:20-5-12. Address for written reports

Each written report required by this Subchapter must be made to the Pipeline Safety Department, Oklahoma Corporation Commission, Jim Thorpe Building, 2101 North Lincoln Blvd., Oklahoma City, Oklahoma 73105.

165:20-5-13. Distribution system reporting requirements

- (a) **Incident report.**
 - (1) Except as provided in (3) of this subsection, each operator of a distribution pipeline system shall submit United States Department of Transportation Form RSPA F 7100.1 as soon as practicable but not more than 30 days after detection of an incident required to be reported under 165:20-5-11.
 - (2) When additional, relevant information is obtained after the report is submitted under (1) of this

subsection, the operator shall make supplementary reports as deemed necessary with a clear reference by date and subject to the original report.

(3) The incident report required by this subsection need not be submitted with respect to master meter systems.

(b) **Annual report.**

(1) Except as provided in (2) of this subsection, each operator of a distribution pipeline system shall submit an annual report for the system on United States Department of Transportation Form RSPA F 7100.1-1. This report must be submitted each calendar year, not later than March 15, for the preceding calendar year.

(2) The annual report required by this subsection need not be submitted with respect to:

(A) Petroleum gas systems which serve fewer than 100 customers from a single source; or

(B) Master meter systems.

(c) **Transmission or gathering systems reporting distribution pipelines.** Each operator, primarily engaged in gas transmission or gathering, who operates distribution pipelines shall submit separate reports for those pipelines as required by (a) and (b) of this Section.

(d) **Third party damage reporting.**

(1) Each operator shall submit a monthly third party damage report to the Pipeline Safety Department in the form and manner prescribed by the Manager of Pipeline Safety. This report shall be submitted on or before the end of the following month in which the report is due.

(2) Each report, required under this subsection, shall be submitted to the Oklahoma Corporation Commission, Pipeline Safety Department, P. O. Box 52000-2000, Oklahoma City, OK 73152-2000.

(3) The initial report will cover third party damage occurring in the month of January, 1998, and will be due on or before the end of the following month, February, 1998.

[Source: Amended at 14 Ok Reg 2496, eff 7-1-97]

165:20-5-14. Transmission and gathering systems reporting requirements

(a) **Incident report.**

(1) Except as provided in (2) of this subsection, each operator of a transmission or a gathering pipeline system shall submit United States Department of Transportation Form RSPA F 7100.2 as soon as practicable but not more than 30 days after detection of an incident required to be reported under 165:20-5-11.

(2) When additional, relevant information is obtained after the report is submitted under (1) of this subsection, the operator shall make supplementary reports as deemed necessary with a clear reference by date and subject to the original report.

(b) **Annual report.** Each operator of a transmission or a gathering pipeline system shall submit United States Department of Transportation Form RSPA F 7100.2-1. This report must be submitted each year, not later than March 15, for the preceding calendar year.

(c) **Distribution systems reporting transmission pipelines.** Each operator, primarily engaged in gas distribution, who also operates gas transmission or gathering pipelines shall submit separate reports for those pipelines as required by (a) and (b) of this Section.

(d) **Third party damage reporting.**

(1) Each operator shall submit a monthly third party damage report to the Pipeline Safety Department in the form and manner prescribed by the Manager of Pipeline Safety. This report shall be submitted on or before the end of the following month in which the report is due.

(2) Each report, required under this subsection, shall be submitted to the Oklahoma Corporation Commission, Pipeline Safety Department, P. O. Box 52000-2000, Oklahoma City, OK 73152-2000.

(3) The initial report will cover third party damage occurring in the month of January, 1998, and will be due on or before the end of the following month, February, 1998.

[Source: Amended at 14 Ok Reg 2496, eff 7-1-97]

165:20-5-15. Telephonic notice of an evacuation of a building

Each operator of a gas pipeline system located in a Class 3 or 4 location, upon discovery that a building has been evacuated as a result of gas leak, shall immediately notify the Oklahoma Corporation Commission, Pipeline Safety Department at (405) 521-2258.

[Source: Added at 14 Ok Reg 2496, eff 7-1-96]

PART 5. MINIMUM SAFETY STANDARDS FOR GAS

165:20-5-21. Adoption of federal safety regulations

The Commission adopts the provisions of 49 C.F.R. Part 192, with all amendments and appendices thereto as such exists as on March 1, 1985, and all those amendments and appendices adopted thereafter. However, this adoption is subject to the following qualifications:

- (1) 49 C.F.R. § 192.1 is replaced by the following:
 - (A) This Part prescribes minimum safety requirements for intrastate pipeline transportation of gas subject to the jurisdiction of the Commission.
 - (B) This Part shall not apply to:
 - (i) Interstate transmission facilities; and
 - (ii) Onshore gathering of gas outside of the following areas:
 - (I) An area within the limits of any incorporated or unincorporated city, town, or village.
 - (II) Any designated residential or commercial area such as a subdivision, business or shopping center, or community development."
- (2) The definition of "Secretary" and "State" are deleted and replaced as follows:
 - (A) All references to the "Secretary" are replaced with the "Commission" as defined in 165:20-1-2.
 - (B) All references to the "State" refer to the State of Oklahoma as defined in 165:20-1-2.

[Source: Amended at 14 Ok Reg 2496, eff 7-1-97]

PART 7. PIPELINE CONSTRUCTION AND CONSUMER SAFETY

165:20-5-31. Notice of construction [RESERVED]

165:20-5-32. Notice requirements for construction

- (a) Each operator prior to the construction of a new pipeline, or a relocation or replacement of a pipeline, subject to the jurisdiction of the Commission as established by 165:20-5-2 shall:
 - (1) Complete and file Form 5001 with the Commission. Form 5001 shall be mailed seven (7) calendar days prior to the commencement of construction, relocation, or replacement; or
 - (2) In the event of an emergency, give telephonic notice of emergency construction, relocation, or replacement to the Pipeline Safety Department of the Commission followed by mailing Form 5001 within five (5) work days after telephonic notice is given.
- (b) The requirements of (a) of this Section shall not apply to the installation of a pipeline of less than one (1) mile.

[Source: Amended at 14 Ok Reg 2496, eff 7-1-97]

165:20-5-33. Special safety standards for residential service [RESERVED]

165:20-5-34. Restrictions on connections to consumers

- (a) Each operator shall have and maintain its system in such condition as will enable it to furnish safe and adequate gas service, subject only to emergency conditions beyond its control.
- (b) House piping shall conform to requirements of the applicable city or town ordinances. In towns, villages, and suburban territory where there are no applicable regulations as to gas service, house piping, and venting, operators shall comply with the Standards for the Installation of Gas Appliances and Gas Piping, as set forth in the

National Fire Protection Associations No. 54, dated 1969, and future amendments or supplements thereto. An operator may decline to serve a consumer or prospective consumer until he has complied with all applicable State and municipal regulations governing gas service and the rules of this Subchapter.

(c) No residential customer meter designed for above ground use shall be buried or installed in any manner which would cause the surface of the shell of the meter to directly contact the ground. "Residential customer meter" means the meter that measures the transfer of gas from an operator to a residential customer.

(d) All gas supplied to a consumer shall be substantially free of impurities which may cause corrosion of mains, piping, and consumer's appliances, or form corrosive or harmful fumes when burned in a properly designed and adjusted burner.

[Source: Amended at 14 Ok Reg, eff 7-1-97]

PART 9. MANDATORY PARTICIPATION IN OKLAHOMA ONE CALL

165:20-5-41. Mandatory participation in Oklahoma One Call

(a) The Commission adopts the provisions of the Oklahoma Underground Facilities Damage Prevention Act, Okla. Stat. Titl. 63, Section 142.1 through 142.11 as such exists March 1, 1993.

(b) The Commission will enforce the provisions of Okla. Stat. Titl. Sections 142.1 through 142.11, as such exists March 1, 1993, against all intrastate operators subject to the provisions of 49 C.F.R. Part 192.

[Source: Added at 14 Ok Reg 2496, eff 7-1-96]

SUBCHAPTER 7. SAFETY REGULATIONS FOR HAZARDOUS LIQUIDS

Section

165:20-7-1.	Adoption of federal safety and reporting regulations
165:20-7-2.	Notice requirements for pipeline construction
165:20-7-3.	Mandatory participation in Oklahoma One Call
165:20-7-4.	Change of ownership

165:20-7-1. Adoption of federal safety and reporting regulations

(a) The Commission adopts the provisions of 49 C.F.R. Part 195, with all amendments and appendices thereto as such exists as of March 1, 1985, and all those amendments and appendices adopted thereafter. However, this adoption is subject to the following qualification:

(1) 49 C.F.R. § 195.0 is replaced by the following: "This Part prescribes safety standards and accident reporting requirements for pipeline facilities used in the intrastate transportation of hazardous liquids subject to the jurisdiction of the Commission."

(2) 49 C.F.R. § 195.1(a) is replaced by the following: "(a) Except as provided in subsection (b) of this Section, this Part applies to pipeline facilities and the transportation of hazardous liquids associated with those facilities used in the intrastate transportation of hazardous liquids subject to the jurisdiction of the Commission."

(3) The definition of "Secretary" shall be deleted and all references to the "Secretary" are replaced with the "Commission" as defined in 165:20-1-2.

(4) 49 C.F.R. § 195.52(b) is replaced by the following: "(b) Reports made under subsection (a) of this Section are made by telephone to 405-521-2258 (Pipeline Safety Department in Oklahoma City, OK) and 800-424-8802 (in Washington, D.C. 462-2675), and must include the following information:

- (A) Name and address of the operator.
- (B) Name and telephone number of the reporter.
- (C) The location of the failure.
- (D) The time of the failure.
- (E) The fatalities and personal injuries, if any.

(F) All other significant facts known by the operator that are relevant to the cause of the failure or extent of the damages."

(5) 49 C.F.R. § 195.54 is replaced by the following: "Each carrier that experiences an accident that is required to be reported under this subpart, as soon as practicable but not later than 30 days after discovery of the accident, prepare and file an accident report on DOT Form 7000-1, or a facsimile, with the Pipeline Safety Department, Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, OK 73105 and the Information Resources Manager, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590."

(6) 49 C.F.R. § 195.58 is replaced by the following: "Whenever an operator receives any changes in the information reported or additions to the original report on DOT Form 7000-1, it shall file a supplemental report within 30 days with the Pipeline Safety Department, Oklahoma Corporation Commission, Jim Thorpe Building, Oklahoma City, OK 73105 and the Information Resources Manager, Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590."

(b) In order to allow the hazardous liquid pipeline transportation industry adequate time to implement the rules in this Subchapter, the following date changes shall be made to the federal provisions of 49 C.F.R. Part 195 adopted in (a) of this Section.

- (1) 195.300-Change "January 8, 1971" to "March 1, 1985".
- (2) 195.302-Change "January 8, 1971" and September 8, 1980" to "March 1, 1985".
- (3) 195.302(b)(1)-Change "September 15, 1984" to "March 1, 1986".
- (4) 195.302(b)(2)-Change "September 15, 1984" to "March 1, 1990"; Change "September 15, 1983" to "March 1, 1988".
- (5) 195.401(c)-Change "March 31, 1970" to "March 1, 1985".
- (6) 195.402(a)-Add "On or before March 1, 1987",
- (7) 195.406(a)(5)-Change "January 8, 1971" to "March 1, 1985"; Change "September 8, 1980" to "March 1, 1985".
- (8) 195.414(a)-Change "March 31, 1973" to "March 1, 1990".
- (9) 195.414(b)-Change "April 1, 1975" to "March 1, 1990".
- (10) 195.414(c)-Change "April 1, 1973" to "March 1, 1988".

165:20-7-2. Notice requirements for pipeline construction

(a) Except as provided in (b) of this Section, each operator prior to the construction of a new pipeline, or a relocation or replacement of a pipeline, subject to the jurisdiction of the Commission as established by 165:20-7-1(2), shall:

- (1) Complete and file Form 5001 with the Commission. Form 5001 shall be mailed seven (7) calendar days prior to the commencement of construction, relocation or replacement; or
- (2) In the event of an emergency, give telephonic notice of emergency construction, relocation, or replacement to the Pipeline Safety Department or the Commission, followed by mailing Form 5001 within five (5) work days after telephonic notice is given.

(b) The requirements of (a) of this Section shall not apply to the installation of a line of less than one (1) mile in length.

165:20-7-3. Mandatory participation in Oklahoma One Call

(a) The Commission adopts the provisions of the Oklahoma Underground Facilities Damage Prevention Act, Okla. Stat. Titl. 63, Sections 142.1 through 142.11 as such exists March 1, 1993.

(b) The Commission will enforce the provisions of Okla. Stat. Titl. 63, Sections 142.1 through 142.11, as such exists March 1, 1993, against all intrastate operators subject to the provisions of 49 C.F.R. Part 195.

[Source: Added at 10 Ok Reg 2615, eff. 6-25-93]

165:20-7-4. Change of ownership

Each operator, upon finalization of an agreement to purchase or sell a hazardous liquid pipeline subject to the provisions of 49 C.F.R. Part 195, must within five (5) working days submit to the Pipeline Safety Department a written notification of this agreement.

[Source: Added at 14 Ok Reg 2496, eff 7-1-96]

**SUBCHAPTER 9. RURAL GAS GATHERING AND
HAZARDOUS LIQUID PIPELINES, AND FLOWLINES**

[REVOKED]

[Source: Added at 14 Ok Reg 2496, eff 7-1-96; Amended at 18 Ok Reg 2376, eff 7-1-01]

SUBCHAPTER 11. DRUG TESTING

Section

165:20-11-1. Control of drug use in pipeline operations

165:20-11-1. Control of drug use in pipeline operations

The Commission adopts the provisions of 49 C.F.R. Part 199, with all amendments and appendices thereto as such exists November 21, 1988, and all those amendments and appendices adopted thereafter.

SUBCHAPTER 13. ENFORCEMENT

PART 1. GENERAL

Section

165:20-13-1. Scope and fines

165:20-13-2. Service

165:20-13-3. Subpoenas; witness fees

PART 3. PROCEDURE

165:20-13-11. General enforcement authority and sanctions

165:20-13-12. Inspections and accident investigations

165:20-13-13. Notice of probable violations

165:20-13-14. Response options

165:20-13-15. Warning letter, complaint, or contempt citation

165:20-13-16. Conference

PART 5. MISCELLANEOUS PROVISIONS

165:20-13-21. Cooperation with federal authorities

165:20-13-22. Administrative enforcement

165:20-13-23. Request for exception to rule or order

PART 1. GENERAL

165:20-13-1. Scope and fines

This Subchapter prescribes the procedures utilized by the Oklahoma Corporation Commission in carrying out its responsibilities regarding pipeline safety under 52 O.S. 1981, Section 5 and 52 O.S. Supp. Sections 47.1 through 47.8, and is designed to utilize enforcement procedures already in place by hereby adopting the Commission's Rules

of Practice, OAC 165:5, that are pertinent and necessary to carry out the enforcement of pipeline safety rules and regulations.

(1) For each violation of a Commission rule for gas pipelines, the Commission may issue an order pursuant to 17 O.S. Section 1 et seq. fining an operator up to ten thousand dollars (\$10,000.00) per day plus prosecution costs for each violation for each day the violation continues provided that the maximum fine shall not exceed five hundred thousand dollars (\$500,000.00) for any related series of violations.

(2) For each violation of a Commission rule for hazardous liquid pipelines, the Commission may issue an order pursuant to 52 O.S. Section 47.6 et seq. fining an operator up to ten thousand dollars (\$10,000.00) per day plus prosecution costs for each day the violation continues provided that the maximum fine shall not exceed five hundred thousand dollars (\$500,000.00) for any related series of violations.

[Source: Amended at 10 Ok Reg 2615, eff 6-25-93]

165:20-13-2. Service

(a) Each notice of probable violation, warning letter, notice of hearing, order of the Commission, or other document required to be served under this Subchapter shall be served personally or by registered or certified mail to all respondents.

(b) Service upon a person's duly authorized representative or agent shall constitute service upon that person.

(c) Service by registered or certified mail is complete upon mailing. An official U.S. Postal Service receipt from the registered or certified mailing constitutes prima facie evidence of mailing.

165:20-13-3. Subpoenas; witness fees

The issuance of subpoenas and payment of witness fees shall be in accordance with the provisions of the Commission's Rules of Practice, OAC 165:5-11-3.

PART 3. PROCEDURE

165:20-13-11. General enforcement authority and sanctions

(a) This Subchapter describes the enforcement authority and sanctions exercised by the Oklahoma Corporation Commission Pipeline Safety Department for achieving and maintaining pipeline safety. It also prescribes the procedures governing the exercise of that authority and the imposition of those sanctions, all of which include and supplement the applicable Commission Rules of Practice, OAC 165:5.

(b) A person who is the subject of action pursuant to this Subchapter may be represented by legal counsel at all stages of the proceeding.

(c) If respondent does not file a response prior to the hearing date or does not enter an appearance at the hearing, a confession of the allegations may be rendered in accordance with OAC 165:5-19-1(c)(5), and judgement may be rendered in accordance with OAC 165:5-19-1(f).

165:20-13-12. Inspections and accident investigations

(a) The Pipeline Safety Department and its agents are authorized to inspect and examine the records and/or properties of any pipeline subject to the jurisdiction of the Commission, as established by 165:20-5-21(1), 165:20-7-1(a), and 165:20-9-2, to determine the operators compliance with this Chapter or orders issued thereunder.

(b) Inspections are ordinarily conducted pursuant to one of the following:

(1) Routine scheduling by the Manager of Pipeline Safety.

(2) A complaint received from a member of the public.

(3) Information obtained from a previous inspection.

(4) Pipeline incident.

(5) Whenever deemed appropriate by the Commission, Manager of Pipeline Safety, or his designee.

165:20-13-13. Notice of probable violations

(a) The Commission begins enforcement proceedings by serving a notice of probable violation of this Chapter or any regulation or order issued thereunder. This notification shall advise the operator that a written response is required and that failure to respond may result in enforcement action in accordance with 165:20-13-15.

- (b) A notice of probable violation issued under this Section shall include:
- (1) Statement of the provisions of the laws, regulations, or orders which the respondent is alleged to have violated and a statement of the evidence upon which the allegations are based.
 - (2) Notice of response options available to the respondent under 165:20-13-14.

165:20-13-14. Response options

Within thirty (30) days of receipt of a notice of probable violation, the respondent shall respond to the Manager of Pipeline Safety in the following ways:

- (1) Indicate that the probable violation listed in the notice of probable violation is a violation of this Chapter and that it has been corrected. The response shall indicate how the violation was corrected.
- (2) Indicate that the probable violation listed in the notice of probable violation is a violation of this Chapter and request a reasonable period of time to correct the violation. Each request for an extension of time to correct the violation must be accompanied by a detailed reason(s) as to why compliance cannot be accomplished by the original suspension date and the date the operator believes the necessary compliance actions can be completed.
- (3) Object to the probable violation and submit written explanations, information, or other material in answer to the allegations in the notice of probable violations.
- (4) Request a conference under 165:20-13-16.

165:20-13-15. Warning letter, complaint, or contempt citation

- (a) If after the expiration of the thirty (30) day response period prescribed in 165:20-13-14 the owner or operator of the probable violation has not responded to the notice of probable violation, the Manager of Pipeline Safety may issue a warning letter advising the owner or operator of the probable violation to correct the violations or be subject to further Commission enforcement action under (b) of this Section.
- (b) The Commission legal staff may issue a complaint or contempt citation notifying the owner or operator of the probable violation and that a hearing has been set before the Commission to address the owner's or operator's violation of this Chapter, the prosecution of which shall be in accordance with the applicable Commission Rules of Practice, OAC 165:5.
- (c) The severity of the probable violation or the conduct of the owner or operator in responding to the notice of probable violation as interpreted by the Commission, may be considered in determining the type of complaint or contempt citation issued by the Commission. These warning letters, complaints, and contempt citations shall be served as provided in 165:20-13-2.

165:20-13-16. Conference

- (a) A request for conference in response to a notice of probable violation issued under 165:20-13-13 must be accompanied by a statement of the issues which the respondent intends to raise at the conference. The issues may relate to the alleged violations, new information, or the required corrective action.
- (b) The conference is conducted informally without strict adherence to the Commission's Rules of Practice, OAC 165:5. The respondent may submit any relevant information and materials on his behalf. He may also examine the complaints against him. No detailed record of the conference is prepared.
- (c) At the outset of the conference, the complaints shall be presented by the Manager of Pipeline Safety or his designee. The respondent may examine and respond to or rebut the complaints.
- (d) After the presentation of the complaints, the respondent may offer facts, statements, explanations, documents, testimony, or other items which are relevant to the issues under consideration.
- (e) At the close of the respondent's presentation, the Manager of Pipeline Safety may present or allow the presentation of any Pipeline Safety Department rebuttal information. The respondent may then respond to that information.
- (f) The respondent may also request an opportunity to submit further written material for inclusion in the case file. The Manager of Pipeline Safety shall allow a reasonable time for submission of the material and shall specify the date by which it must be submitted.
- (g) After submission of all material during and after the conference, the Manager of Pipeline Safety shall determine if further Commission enforcement action is necessary.

PART 5. MISCELLANEOUS PROVISIONS

165:20-13-21. Cooperation with federal authorities

The Pipeline Safety Department, the Commission legal staff and all other agents of the Commission shall cooperate with the United States Department of Transportation in the investigation and prosecution of any violation of 49 C.F.R. Parts 192 and 195 occurring within this State.

165:20-13-22. Administrative enforcement

Whenever the Manager of Pipeline Safety, after inspection, finds a pipeline facility which is subject to the jurisdiction of the Commission to be hazardous to life or property, he is authorized to require the operator operating such facility to take such corrective measures as are reasonably necessary to remove such hazards.

165:20-13-23. Request for exception to rule or order

- (a) An operator may request an exception to a requirement of an order or rule of the Commission. Such a request shall be made by application conforming to the requirements of the Commission Rules of Practice, OAC 165:5.
- (b) After notice and hearing conforming to the requirements of the Commission's Rules of Practice, OAC 165:5, and the laws of this State, the Commission shall issue an order specifying such relief as it deems appropriate.
- (c) Any Commission order that grants relief from the requirements of any rule as listed in 49 C.F.R. §§ 191, 192, or 195 shall be subject to the review and approval of the Office of Pipeline Safety in Washington D.C. The Commission, upon granting relief, shall submit request pursuant to the requirements of the Natural Gas Pipeline Safety Act of 1979, Section 3 (d).
- (d) Neither the Pipeline Safety Department nor the Commission legal staff shall grant relief from the requirements of any rule of the Commission, unless so ordered by the Commission.