

2020 -- S 2621

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC UTILITIES COMMISSION

Introduced By: Senators Euer, DiPalma, Seveney, Coyne, and Conley

Date Introduced: February 27, 2020

Referred To: Senate Commerce

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 39-1 of the General Laws entitled "Public Utilities Commission" is
2 hereby amended by adding thereto the following section:

3 **39-1-27.14. Uniform natural gas leaks, classification act.**

4 As used in this section:

5 (1) "Unaccounted-for natural gas (UFG)" means the difference between the total amount
6 of gas supplies delivered to the state's natural gas distribution companies (NGDC) and the amount
7 of gas that the NGDC subsequently delivers to its retail, commercial and industrial customers,
8 adjusted for company use, temperature, pressure variations, or other allowed variables authorized
9 by the commission.

10 (b) Uniform gas leaks classification. There shall be uniform natural gas leaks classification
11 for all gas companies, as follows:

12 (1) Gas companies shall assess a grade to all reported natural gas leaks based on the system
13 provided in this section.

14 (2) A Grade 1 leak shall be a leak that represents an existing or probable hazard to persons
15 or property. Grade 1 leaks require repair immediately and continuous action until the conditions
16 are no longer hazardous. The gas company shall immediately schedule a completion of repairs and
17 the condition shall be kept under continuous surveillance until the hazard or source of the leak is
18 eliminated. A gas company shall notify the fire department and chief law enforcement officer in
19 each city or town where a Grade 1 leak is identified.

1 (3) A Grade 2 leak shall be a leak that is recognized as non-hazardous to persons or property
2 at the time of detection, but justifies scheduled repair based on probable future hazard. The gas
3 company shall repair Grade 2 leaks or replace the main within sixty (60) days from the date the
4 leak was classified. All Grade 2 leaks shall be reevaluated by a gas company to at least once every
5 thirty (30) days until eliminated; provided, however, that the frequency of reevaluation shall be
6 determined by the location and magnitude of the leakage condition.

7 (4) A Grade 3 leak shall be a leak that is recognized as non-hazardous to persons or property
8 at the time of detection and can be reasonably expected to remain non-hazardous. The gas company
9 shall reevaluate Grade 3 leaks during the next scheduled survey, or within one hundred eighty (180)
10 days from the date last evaluated, whichever occurs first, until the leak is eliminated or the main is
11 replaced. A municipal or state public safety official may request a reevaluation of a Grade 3 leak
12 prior to the next scheduled survey, or sooner than ninety (90) days of the date last evaluated, if the
13 official reasonably believes that the Grade 3 leak poses a threat to public safety.

14 (c) Upon the undertaking of a significant project on a public way exposing confirmed
15 natural gas infrastructure, and with sufficient notice, a municipality or the state shall submit written
16 notification of the project to a gas company. The gas company shall survey the project area for the
17 presence of Grade 1 or Grade 2 leaks and Grade 3 leaks identified as having a significant
18 environmental impact and set repair and replacement schedules for all known or newly detected
19 Grade 1 or Grade 2 leaks and Grade 3 leaks identified as having a significant environmental impact.
20 The gas company shall ensure that any shut off valve in the significant project area has a gate box
21 installed upon it or a reasonable alternative that would otherwise ensure continued public safety
22 and that any critical valve that has not been inspected and tested within the past twelve (12) months
23 is verified to be operational and accessible. The gas company shall provide the repair and
24 replacement schedule of gas leaks to the municipality or the state.

25 (d) Gas companies shall prioritize any pipeline repairs required under this section for gas
26 leaks detected within a school zone. For the purposes of this section, "school zone" means on or
27 within fifty feet (50') of the real property comprising a public or private accredited preschool,
28 accredited Head Start facility, elementary, vocational or secondary school.

29 (e) Reporting. Beginning on February 1, 2021 and thereafter, each gas company shall
30 provide the commission with an annual report detailing the gas company's UFG, the location of
31 each Grade 1, Grade 2 and Grade 3 leak existing as of the date of the report, the date each Grade 1,
32 Grade 2 and Grade 3 leak was classified, and the dates of repairs performed or the scheduled date
33 of repairs on each Grade 1, Grade 2 and Grade 3 leak.

34 (1) The commission shall provide a copy of this annual report to the governor, the president

1 of the senate, and the speaker of the house of representatives.

2 (2) Gas leak information shall be made available to any municipal or state public safety
3 official upon written request to the commission.

4 (f) Penalties for violations. The commission may impose civil sanctions upon any natural
5 gas company subject to the applicable provisions of this chapter and/or any rules and regulations
6 promulgated under it.

7 (1) Upon a natural gas company's violation of this chapter and/or any rules and regulations
8 promulgated under it, the commission shall fine the natural gas company no less than five thousand
9 dollars (\$5,000) per violation.

10 (2) Nothing in this section shall be construed to limit the commission's authority to fine a
11 natural gas company.

12 (g) The commission may promulgate rules and regulations necessary to implement the
13 provisions of this chapter as specified in this section and shall oversee and monitor company
14 response and reporting.

15 SECTION 2. This act shall take effect on January 1, 2021.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO PUBLIC UTILITIES AND CARRIERS -- PUBLIC UTILITIES COMMISSION

1 This act would create the uniform natural gas leaks classification act which classifies gas
2 leaks into different grades and identifies the steps and procedures to be taken and provides a
3 reporting requirement for a gas company subsequent to a leak.

4 This act would take effect on January 1, 2021.

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