

STATE OF KANSAS
STATE CORPORATION COMMISSION

Notice of Public Hearing on Proposed Administrative Regulations

August 26, 2021

The State Corporation Commission (Commission) will conduct a public hearing on November 2, 2021 at 10 a.m., via Zoom, to consider the adoption of the proposed rules and regulation of the State Corporation Commission of the State of Kansas on a permanent basis.

This notice exceeds the 60-day notice requirement of the pending public hearing and shall constitute the beginning for the public comment period for the purpose of receiving written public comments on the proposed rules and regulations. A complete copy of the proposed regulations and economic impact statements may be found on the Kansas Corporation Commission website: <https://kcc.ks.gov/your-opinion-matters>, or by contacting Cole Bailey: c.bailey@kcc.ks.gov.

All interested parties may participate at the Zoom meeting by signing up on the KCC website [Kansas Corporation Commission - Your Opinion Matters \(ks.gov\)](https://kcc.ks.gov/your-opinion-matters) or submit written comments prior to the hearing via the KCC website, in writing to Cole Bailey, Litigation Counsel, State Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas 66604, or by email to: c.bailey@kcc.ks.gov. The meeting will also be broadcasted on our YouTube channel at [Kansas Corporation Commission - YouTube](#).

During the public hearing, all interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to ask that each participant limit any oral presentation to five (5) minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five (5) working days in advance of the hearing by contacting Linda Berry at (785) 271-3269.

A summary of the proposed regulations and their economic impact are as follows: (Note: Statements indicating a regulation is “not anticipated to have any economic impact” means no economic impact on the State Corporation Commission, other state agencies, state employees, or the general public has been identified.)

K.A.R. 82-11-2 – Enforcement Procedures.

The proposed amendments to K.A.R. 82-11-2 clarify the procedural hierarchy at the Kansas Corporation Commission (Commission). The current regulation indicates Commission Staff enforce the regulations adopted by the Commission. The Commission itself enforces its regulations. Commission Staff investigate alleged violations of pipeline safety standards and may bring enforcement actions before the Commission to consider. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-11-3 – Transportation of natural and other gas by pipeline; annual reports and incident reports.

The proposed amendments to K.A.R. 82-11-3 update the regulations adoption of relevant federal regulations to 2018 editions. Specifically K.A.R. 82-11-3 adopts 49 C.F.R. Part 191. The proposed amendments are necessary to ensure Kansas' pipeline regulations appropriately mirror their federal counterparts. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-11-4 – Transportation of natural and other gas by pipeline; minimum safety standards.

The proposed amendments to K.A.R. 82-11-4 update the regulations adoption of relevant federal regulations to 2018 editions. Specifically K.A.R. 82-11-4 adopts 49 C.F.R. Part 192. The proposed amendments are necessary to ensure Kansas' pipeline regulations appropriately mirror their federal counterparts. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-11-6 – Procedures to ensure compliance with minimum safety standards.

The proposed amendments to K.A.R. 82-11-6 establish a uniform procedural framework for enforcing Kansas' pipeline safety standards and other safety-related proceedings. Specifically, the Kansas Corporation Commission is responsible for enforcing the Kansas Underground Utility Damage Prevention Act (KUUDPA). Though similar in nature (i.e. safety-related regulations), enforcement actions brought under Kansas' pipeline safety standards differ procedurally from KUUDPA enforcement actions. The proposed amendments to K.A.R. 82-11-6 refine pipeline safety procedures to mirror those, as much as applicable, to KUUDPA procedures. The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-11-7 – Reporting requirements.

The proposed amendments to K.A.R. 82-11-7 strike a redundant regulatory provision. The annual and incident reporting requirements struck from K.A.R. 82-11-7 are contained and adopted by reference in K.A.R. 82-11-3 or are already required from pipeline operators pursuant to 49

C.F.R. Part 191.5. In addition, the proposed amendments to K.A.R. 82-11-7 require natural gas pipeline operators to resubmit construction notices for a project(s) if the project(s) has not been started or has been started but not yet completed (i.e. in progress by year-end). The proposed amendments are not anticipated to have an economic impact.

K.A.R. 82-11-10 – Drug and alcohol testing.

The proposed amendments to K.A.R. 82-11-10 update drug and alcohol testing requirements. Presently, Kansas’ pipeline-related drug and alcohol regulation adopts by reference a 2010 federal regulation. The proposed amendments update this adoption to the 2018 version of the federal regulation. The proposed amendments are not anticipated to have an economic impact.