

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Re: Implementation Order for :
Act 127 : Docket No. M-2012-2282031
:

COMMENTS OF HAWKE MCKEON AND SNISCAK

Hawke McKeon and Sniscak appreciate the opportunity to offer comments to the Pennsylvania Public Utility Commission (“Commission”) on its process to implement the Gas and Hazardous Liquids Pipeline Act (Act 127) as provided by the Commission’s Tentative Implementation Order dated January 12, 2012 (“Implementation Order”) in the above-captioned matter. The Implementation Order provided that interested parties could submit comments to the Commission by February 1, 2012.

We wish to thank the Commission for the opportunity to participate in the process, and we offer the following comments which we hope will assist the Commission in its Implementation of Act 127.

EXEMPT ENTITIES

Act 127 provides for the operator of a pipeline in a class 1 location that collects or transports gas from an unconventional well shall register such pipeline with the Commission. Additionally Act 127 calls for the Commission to monitor and regulate class 1 pipelines to insure compliance with the Federal Pipeline Safety Laws (as listed in Act 127). Although all Class 1 pipelines, except those expressly exempted by Act 127, will be registered, monitored and regulated, not all class 1 pipelines are subject to the Registration Fee or the Annual Assessment

Fee. For example Act 127 Section 301 specifically excludes boroughs from the Registration Fee and Section 503 specifically excludes boroughs from the Assessment Fee.

HMS comments that specific procedures need to be issued to address how the expense of regulating borough class 1, and other excluded entities, pipelines will be recouped by the Commission.

PRE-CONSTRUCTION REGULATION

HMS notes that during the teleconference, held on January 26, 2012, there was some discussion around the possible review of class 1 pipelines during the pre-construction stage. HMS suggests that specific procedures be issued to allow such pipeline contractors to know at what phase of pre-construction, submission of plans or notice of pipeline installation, is required by the Commission.

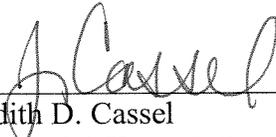
NOTICE OF ENTITY SUBJECT TO ACT 127

HMS suggests, that when the Commission plans to take action against a pipeline for failing to register, it should give advance notice to the pipeline operator that the Commission deems the pipeline to be subject to Act 127, so that the pipeline operator can register during a designated grace period.

CONCLUSION

HMS wishes to thank the Commission for this opportunity to provide Comments in this proceeding and stands ready to assist the Commission in future efforts to implement Act 127.

Respectfully submitted,



Judith D. Cassel
Hawke McKeon & Sniscak LLP
Harrisburg Energy Center
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105
Phone: 717.236.1300
Fax: 717-236-4841
jdcassel@hmslegal.com

Dated: February 1, 2012