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November 20, 2014

Via Hand Delivery
Rosemary Chiavetta, Secretary
PA Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: Petition for Waiver for Continued Operation of Segments of Natural Gas Pipelines in Cambria and Somerset Counties, Pennsylvania by Johnstown Regional Energy, LLC, Docket No. P-2014-_____

Dear Secretary Chiavetta:

On behalf of Johnstown Regional Energy, LLC enclosed for filing please find its Petition for Waiver for Continued Operation of Segments of Natural Gas Pipelines in Cambria and Somerset Counties, Pennsylvania. Please note some of the attachments contain confidential material and should be handled accordingly.

Sincerely,

Daniel Clearfield

Daniel Clearfield

DC/lww
Enclosure

Certificate of Service

I hereby certify that this day I served a copy of the foregoing **Petition** upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via First Class Mail

Gas Safety Division
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
PO Box 3265
Harrisburg, PA 17105

Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
PO Box 3265
Harrisburg, PA 17105

Office of Trial Staff
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
PO Box 3265
Harrisburg, PA 17105

Office of Consumer Advocate
5th Floor, Forum Place Bldg.
555 Walnut Street
Harrisburg, PA 17101-1921

Office of Small Business Advocate
300 North Second Street – Suite #202
Harrisburg, PA 17101

Date: November 20, 2014

Daniel Clearfield, Esq.

Attorney for
Johnstown Regional Energy, LLC

RECEIVED
2014 NOV 20 PM 3:48
PA PUC
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PETITION FOR WAIVER FOR CONTINUED OPERATION OF SEGMENTS OF NATURAL GAS PIPELINES IN CAMBRIA AND SOMERSET COUNTIES, PENNSYLVANIA BY JOHNSTOWN REGIONAL ENERGY, LLC	:	Docket No. P-2014-_____

PETITION OF JOHNSTOWN REGIONAL ENERGY, LLC

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Johnstown Regional Energy, LLC ("JRE" or "Petitioner") hereby requests that the Pennsylvania Public Utility Commission ("PUC" or "Commission") grant a waiver of federal regulations involving intrastate pipelines, conditional on the subsequent affirmance of the waiver (either by affirmative action or by inaction during the specified time period) by the Office of Pipeline Safety ("OPS"), U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration ("PHMSA"), to allow three segments of composite (Fiberspar) pipelines (totaling approximately 8.8 miles) installed in Cambria and Somerset Counties, Pennsylvania, to remain in operation, subject to reasonable conditions and limitations.

This waiver is being sought based upon a revised classification of JRE's pipelines after a change in the regulatory regime. JRE's pipelines have been in operation, and have operated safely, for many years. Recently, however, it was determined that the classification of these pipelines needed to be changed to "Transmission", following an inspection by the Commission in 2013. Because different PHMSA regulations apply to Transmission lines, the change in classification makes this request for waiver (or special permit[1]) necessary for the Fiberspar

[1] This Petition uses the term waiver and special permit interchangeably. A special permit was previously called a waiver by PHMSA.

segments of JRE's pipelines. No waiver is necessary for the steel pipeline segments of JRE's pipelines.

After the reclassification of the pipelines as Transmission, JRE sought a special permit from PHMSA to permit the continued use of the reclassified segments of Fiberspar pipeline; but PHMSA determined that, as a wholly intrastate pipeline, the waiver had to be issued in the first instance by the PUC.

PHMSA rules permit a state to issue a waiver of specific regulations applicable to pipelines when such a waiver is consistent with pipeline safety and is otherwise justified. Both requirements are met here. The safety of the public will not be implicated by this waiver and, indeed, the Fiberspar segments of the JRE pipelines have been operating safely for seven years. Fiberspar is a safe and effective pipeline material in general use throughout the industry. This specific Fiberspar piping has performed well for JRE: there have not been any leaks or safety issues in JRE's pipelines. Additionally, and importantly, these pipelines are being operated at less than 20% of their maximum burst pressures, providing a substantial margin of safety. JRE is willing to comply with reasonable waiver conditions such as testing and monitoring requirements as directed by the Commission and/or PHMSA, as well as other reasonable conditions, all of which are set forth in greater detail in attachments to this Petition.

Based upon review of PHMSA regulations and informal guidance from the Commission's Gas Safety Division, it has been determined that the appropriate procedure to obtain a waiver is this petition, conditional upon affirmance by PHMSA of the Commission waiver (or, affirmance with additional testing or other requirements) or by not taking action within sixty (60) days of the entry of the Commission waiver order.

In support of approval of the relief requested, JRE states as follows:

I. FACTUAL BACKGROUND

Description of JRE

1. The name and address of the Petitioner is:

Johnstown Regional Energy, LLC
1407 Eisenhower Blvd, Johnstown, PA 15904
(814) 262-8760

2. The name, address and telephone number of JRE's counsel is:

Daniel Clearfield, Esq.
(PA Atty. I.D. No. 26183)
dclearfield@eckertseamans.com

Carl R. Shultz, Esq.
(PA Atty. I.D. 70328)
cshultz@eckertseamans.com

Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Fl.
Harrisburg, PA 17101
Phone: (717) 237-7173
Fax: (717) 237-6019

3. JRE is a wholly-owned subsidiary of Leaf Clean Energy USA LLC ("Leaf"). Leaf invests in clean-energy companies mainly in North America.

4. JRE is a registered pipeline operator under Act 2011-127. *See* PUC Docket No. A-2012-2293768. In addition, JRE was assigned US DOT Operator ID Number 38886.

5. JRE owns and operates three high Btu landfill gas-to-methane projects in Pennsylvania.

Description of LFG Facilities

6. JRE has been safely operating since 2007 and employs a staff of ten full-time personnel in the Johnstown area. JRE operates LFG processing facilities (that were placed in operation in 2006 and 2007) at three Waste Management owned landfills located in

Pennsylvania: Laurel Highlands Landfill (Raeger Mountain Project), Southern Alleghenies Landfill, and Shade Landfill.[2] At these sites, JRE extracts raw landfill gas, cleans it in advanced technology processing plants and sells the gas into the pipelines of a leading natural gas utility. This high quality "green" gas displaces the use of fossil fuel based natural gas, allowing for it to be recognized as a "green gas". Without the LFG facilities, the landfill gas would be flared (burned) and the resultant gases emitted to the atmosphere. The combined current production rate of the three facilities is up to 2,500 million Btu/day (750,000 million Btu/year). While the facilities provide important environmental benefits, the aggregate quantum of natural gas produced and shipped is relatively small as compared to traditional gas pipelines or most gas distribution utilities in the Commonwealth.

Description of JRE Pipelines

7. The processed LFG is transported by three separate pipelines (operated by JRE) to the Peoples and EQT (collectively, "Peoples") pipeline systems. The pipelines are known as the Raeger Pipeline, the Shade Pipeline and the Southern Alleghenies Pipeline (collectively, the "JRE pipelines"). The Raeger pipeline (which was installed in 2006 by Keystone Renewable Energy) is located entirely within Cambria County, Pennsylvania.[3] The Shade and Southern Alleghenies Pipelines (which were both installed in 2007 by Keystone Renewable Energy) are located entirely within Somerset County, Pennsylvania.[4] JRE became the operator of all three pipelines in 2007.

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2 The Landfills are operated by Waste Management, Inc.

3 The Raeger Pipeline is owned by JRE.

4 The Shade and Southern Alleghenies Pipelines are owned by the Somerset County General Authority ("SCGA").

8. The total combined mileage of Raeger, Shade and Southern Alleghenies Pipelines is approximately 14.5 miles. Each of these pipelines has both steel and Fiberspar segments. Specifically, 8.8 miles of the 14.5 miles of pipelines consist of Fiberspar composite piping. Approximately 6.5 miles of the Fiberspar segments of the JRE pipelines are in a Class 1 area, and 2.3 miles of the Fiberspar segments are in a Class 2 area. None of the Fiberspar segments of the JRE pipelines are in a Class 3 or 4 Area. The Fiberspar portion of the Raeger pipeline (0.7 miles) is 4.5 inches in diameter, while the Fiberspar portions of the Shade (6.8 miles) and Southern Alleghenies (1.3 miles) pipelines are 4 inches in diameter.

Raeger Pipeline Fiberspar Segments by Miles					
Material	**Class 1**	**Class 2**	**Class 3**	**Class 4**	**Total**
Fiberspar	**0.7**	0.0	0.0	0.0	**0.7**

Shade Pipeline Fiberspar Segments by Miles					
Material	**Class 1**	**Class 2**	**Class 3**	**Class 4**	**Total**
Fiberspar	**5.8**	**1.0**	0.0	0.0	**6.8**

Southern Alleghenies Pipeline Fiberspar Segments by Miles					
Material	**Class 1**	**Class 2**	**Class 3**	**Class 4**	**Total**
Fiberspar	0.0	**1.3**	0.0	0.0	**1.3**

9. There are no businesses or High Consequence Areas ("HCAs") within the potential impact radius of the Raeger, Shade or Southern Alleghenies Pipelines. The pipeline rights of way are in unpopulated state game lands (Raeger), farm and rural housing (Southern Alleghenies), a strip mine, reclaimed areas, woods and rural housing (Shade). Accordingly, none of the Fiberspar segments of the JRE pipelines is located in areas considered to have significant potential for increasing to a higher classification. Maps showing the location of the JRE pipelines are attached as CONFIDENTIAL Attachment A.

10. Since their installation, the Raeger, Shade and Southern Alleghenies Pipelines have been operated safely and without incident. There have been no leaks on the Raeger, Shade and Southern Alleghenies Pipelines, as was recently confirmed by independent testing. All Fiberspar pipelines operated by JRE have been tested and maintained as if they were steel pipeline. The Pipelines are current for 2014 with all patrols, pressure limiting devices (PLDs) and surveys indicating full operations and maintenance Transmission compliance.

11. Additional details on the location, material, thickness, diameter and operating pressures for each segment of Fiberspar pipeline as attached as Attachment B (Letter Request to PUC Gas Safety Division dated March 21, 2014) and as Attachment C (Table of Maximum Operating Pressures).

II. LEGAL STANDARD

12. The federal government establishes minimum pipeline standards under the U.S. Code of Federal Regulations ("CFR"), Title 49 "Transportation," Parts 190-199. The OPS has overall regulatory responsibility for hazardous liquid and gas pipelines under its jurisdiction in the United States.

13. Act 2011-127, the Gas and Hazardous Liquids Pipelines Act ("Act 127"), which was effective as of February 20, 2012, extends jurisdiction and power to the Commission to implement and enforce certain federal standards set forth in Title 49 of the CFR. 58 P.S. § 801.501.

14. Act 127 mandates compliance with the "Federal pipeline safety laws." 58 P.S. § 801.302. The "Federal pipeline safety laws" have been defined as those "provisions of 49 U.S.C. Ch. 601 (relating to safety), the Hazardous Liquid Pipeline Safety Act of 1979 (Public Law 96-

129, 93 Stat. 989), the Pipeline Safety Improvement Act of 2002 (Public Law 107-355, 116 Stat. 2985) and the regulations promulgated under the acts." 58 P.S. § 801.102.

15. JRE initially sought a "special permit" from PHMSA to permit the continued use of the reclassified Fiberspar pipeline; but PHMSA determined that, as a wholly intrastate pipeline, the waiver had to be issued in the first instance by the Commission. See Attachment D. The jurisdiction of the Commission was confirmed by informal discussions with the Commission's Gas Safety Division.

16. Waivers of the federal standards set forth in Title 49 of the United States Code are permitted when the granting of such a waiver is not inconsistent with pipeline safety. In considering a request for waiver of the requirements in Title 49, the Commission must comply with certain requirements as set forth in 49 U.S.C. § 60118. The pertinent sub-sections (c) and (d) are quoted below:

> **(c) Waivers by Secretary.—**
> **(1) Nonemergency waivers.—**
>
> **(A) In general.—** On application of an owner or operator of a pipeline facility, the Secretary by order may waive compliance with any part of an applicable standard prescribed under this chapter with respect to such facility on terms the Secretary considers appropriate if the Secretary determines that the waiver is not inconsistent with pipeline safety.
>
> * * *
>
> ***(d) Waivers by State Authorities.—*** *If a certification under* section 60105 of this title or an agreement under section 60106 of this title is in effect, the State authority may waive compliance with a safety standard to which the certification or agreement applies in the same way and to the same extent the Secretary may waive compliance under subsection (c) of this section. However, the authority must give the Secretary written notice of the waiver at least 60 days before its effective date. If the Secretary makes a written objection before the effective date of the waiver, the waiver

is stayed. After notifying the authority of the objection, the Secretary shall provide a prompt opportunity for a hearing. The Secretary shall make the final decision on granting the waiver.

17. Sub-sections (c) and (d) of 49 U.S.C. § 60118 have been interpreted through PHMSA's Guidelines for States Participating in the Pipeline Safety Program. This publication by PHMSA provides specific criteria for state agencies to follow in considering a waiver of specific sections of federal regulations involving intrastate pipelines. PHMSA's criteria are found in Chapter 3 as follows:

3.2.1 Intrastate Pipelines

Upon application by an operator, a State agency may consider a waiver of pipeline safety requirements subject to PHMSA concurrence. A waiver may be granted when it is not practical for an operator to comply with a regulation of general applicability. The State agency is encouraged to consult with PHMSA on the appropriateness of granting a waiver before formal action is taken.

A State agency must notify PHMSA in writing by registered or certified mail of each waiver granted by the state. The written notice and hearing requirements may be omitted if the State agency finds that notice is impracticable, unnecessary, or not in the public interest. A notice may be published by any method authorized by State law.

If a State agency finds that a waiver request is consistent with pipeline safety and is justified, it may issue written approval under such terms and conditions as are appropriate. Written approval should include a statement of reasons for granting the waiver.

If a State agency finds that a waiver request is not consistent with pipeline safety or is not otherwise justified, it must issue written denial of the request. Written denial should include a statement of reasons.

A State agency must notify PHMSA in writing by registered or certified mail of each waiver granted by the State. Each notice must provide the following information:

1. The name, address, and telephone number of the applicant

2. The safety regulation involved
3. A description of the pipeline facilities involved
4. The justification for approving the waiver, including the reasons why the regulations are not appropriate and why the waiver is consistent with pipeline safety
5. A copy of the State agency's order or letter to the applicant

PHMSA will acknowledge receipt of each notice and consider each in the order it was received. PHMSA may provide further opportunity for public comment.

If PHMSA does not object to the waiver, it will so notify the State agency. The waiver is effective upon approval by PHMSA or no action by PHMSA 60 days after the receipt of waiver from State agency. If, before a waiver is to become effective, PHMSA notifies the State agency that it objects to the waiver, the action granting the waiver will be stayed. PHMSA will then allow the State agency an opportunity to present its arguments with opportunity for a hearing. Thereafter, PHMSA will make the final determination whether the waiver may be granted and will notify the State agency of its decision.[5]

18. Based on the foregoing, the appropriate procedure to obtain a waiver for the Fiberspar segments of the JRE pipelines is the approval of this Petition, conditional upon subsequent affirmance by PHMSA of the waiver (either by affirming or affirming with additional testing or other requirements) or by not taking action regarding the PUC waiver within sixty (60) days of the entry of the Commission waiver order. The appropriate standard is that such a waiver is consistent with pipeline safety and is otherwise justified because it is not practical for an operator to comply with a regulation of general applicability.

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[5] *In Re: Application Of Renewco-Meadow Branch, Llc For A Special Permit To Install Glass Reinforced Expoxy (Gre) Thermoset Pipe*, Tennessee Regulatory Utility Commission Docket No. 10-00195, Order Approving Request for Waiver dated January 13, 2011; 2011 Tenn. PUC LEXIS 5, citing, Pipeline and Hazardous Materials Safety Administration, Guidelines for States Participating in the Pipeline Safety Program, Chapter 3, Revised December 2007.

III. REQUEST FOR WAIVER

19. JRE is requesting a waiver to allow the continued use of the Fiberspar composite piping in Cambria and Somerset Counties to transport LFG to the existing interconnect with the Peoples system. JRE fully understands that such waiver would be subject to both PHMSA affirmance and specific periodic testing and monitoring.

20. The Commission's Gas Safety Division has concluded that the operation of Fiberspar pipelines between the LFG Facilities and the Peoples pipelines requires a waiver of non-steel pipeline regulations. See Attachment E. Until 2013, the three pipelines were classified as "gathering" and were therefore not subject to federal pipeline regulations regarding pipeline composition. In 2013, following guidance from a PUC inspection, the JRE pipelines were reclassified as "Transmission". Because different PHMSA regulations apply to Transmission lines, the Commission's Gas Safety Division concluded that a request for a waiver for the Fiberspar segments was necessary. The Gas Safety Division further concluded that the Fiberspar segments of the JRE pipelines could remain in service until this request for waiver was decided. See Attachment E. There is no previously granted waiver or special permit specifically for the use of the Fiberspar segments. No waiver is necessary or required for the steel segments of the JRE pipelines.

21. The Fiberspar segments of the Raeger, Shade and Southern Alleghenies Pipelines represent a viable application of Fiberspar. The 8.8 miles of Fiberspar piping is, as noted, routed through mostly rural location, and is operated with a large cushion to the rated burst pressures (the JRE pipelines are operated at 9-16% of burst pressure).

22. Fiberspar piping represents both a technological and economical alternative to conventional steel pipe. The Fiberspar piping does not corrode, offers improved flow hydraulics, requires a reduced number of joints (which offers fewer potential leak points), and offers a

higher strength-to-weight ratio than steel pipe.[6] See Attachment I (Technical Specifications of Fiberspar).

23. The pipelines are part of completed and existing projects that have safely operated for seven years. The requested waivers would not require new or additional construction. To the extent that an environmental analysis is necessary, JRE has attached responses to common environmental inquiries as Attachment F.

24. The federal regulations for which JRE seeks a waiver provide specific criteria for the design and usage of plastic pipe pursuant to 49 C.F.R. § 192.

- Section 192.53 states general requirements applicable to materials for pipe and components.
- Section 192.121 establishes design parameters for determining the pressure requirements for plastic pipe.
- Section 192.123 sets forth limitations in the usage of plastic pipe based on operating temperatures and design pressure.
- Section 192.619 prohibits the operation of a segment of steel or plastic pipe at a pressure exceeding the maximum allowable operating pressure (MAOP) as determined by certain formulas set forth therein.
- Various sections and subsections referring to the aforementioned sections that relate or through incorporation by reference limit the use of composite pipe in natural gas service.

[6] Fiberspar is manufactured by Fiberspar Corporation. The company was originally founded in 1986 by Mr. Peter Quigley as a spin-off of the Massachusetts Institute of Technology. By 1989, Fiberspar had proved the base technology of producing continuous fiber-reinforced products From 1993 to 1995, Fiberspar and Conoco, Inc., a multi-billion dollar global energy business, worked together to develop the basic spoolable pipe technology for application in the oil industry by leveraging Conoco's industry knowledge combined with Fiberspar's core technologies in composite design and manufacturing. In 1996, Fiberspar acquired from Conoco all of their background intellectual property in this technology, and then entered into a joint development with Halliburton Energy Services, the world's largest oil service company, to develop a broader range of products. Fiberspar's spoolable fiber-reinforced pipe business was formed in 1997 to provide the oil and gas industry with a family of products to address the market requirements for a reliable, corrosion-resistant, cost-effective solution for tubulars used during the production and transportation of oil and gas. *See* http://www.fiberspar.com/fiberspar/about-us (last visited November 3, 2014).

25. Fiberspar has been used for over 45 years in non-regulated, gas gathering applications. Fiberspar meets API, ASTM, CSA, and other industry specifications. Over 50 million feet of Fiberspar have been installed in the past ten years for over 300 end-user customers. There are no known issues with either pipeline design or integrity when the pipelines are operated within manufacturer's recommended specifications. Additional details and technical specifications for Fiberspar Line Pipe are provided in Attachment I.

26. Continued operations of the Fiberspar piping will have equal or greater safety compared to steel piping. See, Attachments F, G, H. To mitigate any safety concerns, JRE proposes continued operations of the Fiberspar segments of the JRE pipelines with increased frequency of (a) leak patrols in Class 2 areas and (b) tests to confirm safe operation at the appropriate MAOP. The tests would include destructive testing of sections of the Fiberspar piping operating at both higher and lower pressures. The recommended testing regimen is set forth in a verified statement of William E. Roach, P.E., President, Roach and Associates, Inc., included in Attachment G. JRE is also proposing reasonable conditions and limitations under which it will agree to operate the Fiberspar segments (see Attachment J), including a testing schedule through 2020. Following the review of the results of the third destructive test in 2020, the results of the tests will be evaluated by JRE and the PUC to determine the long term effects of the operations on the pipe and whether future testing requirements should be revised. Absent a determination to modify the testing schedule, destructive testing as conducted previously, would continue at periods of 3 years each.

27. A certification that operation of the Fiberspar segments of the JRE pipelines under the requested wavier would be consistent with pipeline safety is set forth in an additional statement by Mr. Roach, attached as Attachment H. The certification indicates that the Fiberspar

piping meets or exceeds the safety standards in Part 192 of Title 49 of the CFR – and all other requirements, with the exception of the material/composition requirements.

28. Fiberspar has also been approved for use in regulated operations. The OPS issued a waiver for use of the Fiberspar in a project in New York (Docket # RSPA-04-18757) and Alaska (Docket # PHMSA-2010-0063).

a) The granting of this waiver would be consistent with PHMSA past practice. The OPS granted Columbia Gas Transmission's (Columbia) petition for a waiver of the pipeline regulations to install fiberglass reinforced polyethylene pipe in its high pressure natural gas storage field operations. Columbia petitioned OPS for a waiver from compliance with 49 CFR 192.53(c), 192.121, 192.123, and 192.619(a). Columbia proposed to install approximately 4,200 feet of 4-inch Fiberspar LinePipe spooled, non-metallic composite pipe in its Dundee Storage Field.

b) The OPS also granted the petition for waiver of Anchor Point Energy, LLC. Like Columbia, Anchor Point petitioned OPS for a waiver from compliance. Anchor Point proposed the construction of a 7.4 mile buried pipeline of 4-inch diameter Fiberspar to transport natural gas.

c) In addition, it should be noted that, on May 1, 2008 Fiberspar LinePipe LLC submitted an application to PHMSA to revise Part 192.121 to allow the use of thermoset composite pipe up to its hydrostatic design basis as listed by ASTM D 2517. This application was filed under Docket # PHMSA-2010-0003 and is still under evaluation by OPS. If the petition is approved, Fiberspar LinePipe will be able to meet the new requirements.

29. The issuance of the waiver is justified both because the Fiberspar pipeline is safe and reliable and because it is economically impracticable for JRE to comply with the regulation

requiring that Transmission facilities be constructed of non-plastic facilities. JRE has operated these facilities for years without any safety concerns. Having to replace the Fiberspar lines with steel lines would render operations uneconomic and likely cause JRE to terminate operation of the LFG Facilities and the JRE pipelines.

30. If JRE is forced to terminate operations, the landfill gas that it is presently extracting and processing for use by end-user customers would have to be flared. Flaring has the undesirable effect of releasing additional greenhouse gases into the atmosphere. Terminating operations also would likely lead to an increase in methane emissions from the landfill areas. In addition, the gas capacity provided by JRE's LFG would likely be replaced with traditional available natural gas, which affords less environmental benefits than LFG.

IV. CONCLUSION

31. JRE respectfully requests that the Commission act expeditiously and consider the waiver requested herein as quickly as possible. It should be noted that maps of JRE's pipelines were included with this Petition as confidential and proprietary, to minimize the risk of public disclosure of the location of said infrastructure.

32. JRE submits that this Petition satisfies the requirements set forth in 49 U.S.C. § 60118 concerning the grant of waivers. As requested by JRE, the waiver will have reasonable conditions and limitations (which include a testing regimen, see Attachments G and J) and will have equal or greater safety (see Attachments H and I). The circumstances presented by JRE are unique, and ample reasons exist to support a waiver as being reasonable and in the public interest.

WHEREFORE, JRE respectfully requests that that the Commission:

(1) Consider the waiver request made by JRE on an expedited basis;

(2) Grant the waiver requested by subject Petition by issuing an order stating:

a. That the Petition of JRE is hereby are, approved, subject to the conditions and limitations set forth in Attachment J (which includes the testing regimen set forth in Attachment G).

b. This Order will become effective upon the approval of the U.S. Department of Transportation either as approved by the Commission or as approved with additional testing or other requirements added by the Department, or if no action is taken by the U.S. Department of Transportation, sixty days after the receipt of this Order by the Department of Transportation.

(4) Grant any other necessary approvals (or waivers) to effectuate the requests and actions described in this Petition; and

(5) Take any other action deemed to be in the public interest.

Respectfully submitted,

Daniel Clearfield, Esq.
(PA Atty. I.D. No. 26183)
dclearfield@eckertseamans.com
Carl R. Shultz, Esq.
(PA Atty I.D. 70328)
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Eckert Seamans Cherin & Mellott, LLC
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Harrisburg, PA 17101
Phone: (717) 237-7173
Fax: (717) 237-6019

Date: November 20, 2014

Attorneys for
Johnstown Regional Energy, LLC

Verification

I, Jeremy Snyder, state that I am the Asset Manager for Johnstown Regional Energy, LLC ("JRE"). I further hereby state that the facts set forth in the foregoing **Petition** are true and correct to the best of my knowledge, information and belief and that I expect JRE to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to sworn falsification to authorities).

Jeremy Snyder
Asset Manager
Johnstown Regional Energy, LLC

List of Attachments

Attachment	
A	Maps Proprietary and Confidential
B	Original Letter Request to Gas Safety Division
C	Table on Operating Pressures
D	PHMSA Letter On Jurisdiction
E	PUC Letter
F	Environmental Information
G	Roach Verified Statement: Proposed Testing/Analysis Protocol • Sketch for Sacrificial Leg Configuration
H	Roach Verified Statement: Certification
I	Technical Specifications for Fiberspar
J	Proposed Limitations and Conditions

Johnstown Regional Energy, LLC

Original Letter Request

Attachment B

Roach and Associates Inc.

615 Washington Road • Suite TL #7 • Pittsburgh, PA • 15228-1909
412-344-9310 412-344-9380 (Fax)
info@roachassoc.com

March 21, 2014

Mr. Paul Metro
PA Public Utility Commission
Bureau of Investigation and Enforcement
Gas Safety Division
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Special Permit Request for Johnstown Regional Energy

Dear Mr. Metro:

This is a request for a permanent waiver regarding material of construction for three operating gas pipelines in central Pennsylvania. Johnstown Regional Energy, OPID# 38886, operates these pipelines. As of February 20, 2012 each pipeline and Johnstown Regional Energy came under the jurisdiction of Pennsylvania Public Utility Commission as result of ACT 127.

On behalf of JRE, Roach and Associates, Inc. is submitting a request for a special permit to allow these composite pipelines to remain in operation. Enclosed are the Special Permit Requests and engineering information for each pipeline (Raeger Mountain, Shade, and Southern Alleghenies).

Supplemental information is as follows:

- Historical Composite Pipe Waivers
- Fiberspar Specification Compliance
- JRE Pipeline Projects Description
- Maps of each pipeline(pipeline A represents Shade pipeline, Pipeline B represents Southern Alleghenies pipeline, Pipeline C represents Raeger Mountain pipeline)
- Satellite view of each pipeline

Contact Information:

Timothy W. Zeuger
Engineer
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Richard A. Yocum
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All Fiberspar pipeline operated by JRE has been tested and maintained as if it were steel pipeline. There are no businesses or HCA's within the potential impact radius of these pipelines. R&A has been working with JRE to finalize industry standard Operation and Maintenance Manuals, Integrity Management Plans, Public Awareness Plans, Operator Qualification forms, Special Permit Requests, etc. Please review this submittal, develop any questions, and contact us at your convenience.

Respectfully,
Roach and Associates, Inc.
Registered Professional Engineers

Timothy W. Zeuger
Engineer

cc: Richard Yocum

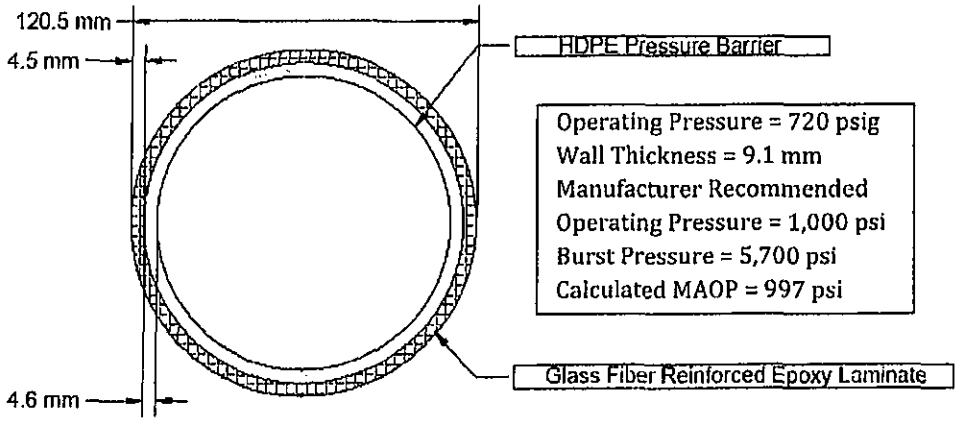
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BUREAU OF INVESTIGATION AND ENFORCEMENT

GAS SAFETY DIVISION

REQUEST FOR SPECIAL PERMIT: RAEGER MOUNTAIN PIPELINE

1. Johnstown Regional Energy, LLC. is the requestor, owner, and operator.
2. Material of Construction is conflicting with regulation, as it is not mentioned in CFR 49 §192 Subpart B—Materials, and the owner seeks relief.
3. This is not an emergency.
4. Existing facility has become jurisdictional as of February 20, 2012 as per Act 127. A special permit is now necessary to waive pressure restrictions on this fiberglass reinforced plastic pipe.
5. Description of Raeger Mountain pipeline, for which special permitting is sought:
   a. Fiberspar pipeline extends 0.7 miles entirely within Cambria County, PA
   b. Pipeline is Intrastate – Entire pipeline inside PA borders
   c. Raeger Mountain pipeline was installed in 2006
   d. Facilities affected by this permit include only the Raeger Mountain pipeline. The facility terminates before plant, meter, etc.
   e. Pipeline will be transporting processed methane.
   f. Material, thickness, diameter, and operating pressure of the pipeline:



6. No gas is vented at landfill. Previous safety testing yields a MAOP in compliance with jurisdictional classification and current operating pressure. Therefore, operating the pipeline pursuant to this special permit meets public interest.
7. Steel pipe installation is the proposed alternative which is not suitable for media in transport.
8. This letter is requesting permanent waiver to circumvent non-steel pipeline pressure regulations.
9. Certification is attached showing that operation of the owner or operator's pipeline under the requested special permit will be consistent with pipeline safety.

Additional Pipeline Information:

Description of facilities at starting point: Raeger Mountain plant where all separation, measurement, and dehydration is completed.

Description of facilities at end point: Filter and transfer custody meter at Route 22.

Hydrostatic test details: 8+ hours at 1247 psi.

Method of calculating MAOP: Lowest pressure during pressure test with Class 2 design factor.

Design factor of pipeline: 0.18 (18% of Fiberspar rated burst pressure).

Details of Class Location: Entirely Class 1 – zero houses within 220 yard radius of pipeline.

Depth of burial of pipeline: minimum 3 ft.

Raeger Mountain pipeline does not cross any roads.

Pipeline Phone Numbers and Contact Information:

Owner/Operator: Johnstown Regional Energy, LLC.
1407 Eisenhower Blvd,
Johnstown, PA 15904
Phone (814) 266-4861/4862

National Response Center: For assistance in notifying the appropriate Federal, state, or local agency concerning any release or potential release discovered in your area, contact the National Response Center:
Phone (800) 424-8802

Department of Transportation Crisis Management Center:
Phone (202) 366-1863
Fax (202) 366-3768

PHMSA Office of Pipeline Safety: For additional information on special permits, contact PHIMSA's Office of Pipeline Safety:
Phone (202) 366-4595
Emergency Phone (202) 281-9438
Fax (202) 493-2311
Email Joy.Kadnar@dot.gov

Roach and Associates Inc.

JRE Raeger Mountain 3

615 Washington Road • Suite 404 • Pittsburgh, PA • 15228-1909

412-344-9310 • 412-344-9380 (Fax)

March 3, 2006

To whom it may concern:

RE: MAOP establishment ...Keystone Renewable Energy gas pipeline Laurel to XS312, Cambria County, Pennsylvania.

I have reviewed documentation and records related to the construction and installation of the subject new 4.5" Fibrespar composite gas pipeline. This system was installed and tested by qualified contractors under the supervision of Roach and Associates, Inc. Registered Professional Engineers. I was personally present at the original testing of the line.

I have visited the site and reviewed records and physically observed materials used in the construction of the subject line. Each portion of the review matches with the records available and therefore allows for utilization of the records as factual data. Obviously Roach and Associates cannot and will not be held responsible for errors resulting from deliberate or unintentional misrepresentation of the data presented to us. We have no reason to believe that any misrepresentations occurred in this case.

The line enjoys a +400 ft elevational change over its length. All pressure recording for the testing was done at the upper end of the line where the lowest pressures were experienced. Obviously the lower elevational sections of the line were tested to higher pressure due to the hydrostatic head.

All pressure testing was done with best engineering efforts and with individuals qualified under CFR-49. The design calculations were done under the recommendations of API 15HR and ASTM D2992-96. Based on the lower of design pressure and tempered pressure testing levels we have determined that a safe MAOP for this line is 997.6 psig. This is based on a Class1 Area over the length of the line. Should this area ever be determined to advance to Class 3 the MAOP would be reduced to 831.3 psig. This also falls well into the manufacturers recommendation of 1000 psig safe operating pressure.

Normal operating pressure for this system is expected to be under 720 psig. Based on the available data and applicable codes and laws, we (the operator) declare a safe MAOP for the subject gas pipeline of 997.6 psig.

To recap, this letter is to serve as an establishment statement for an MAOP of 997.6 psig. for the Keystone Renewable Energy, Laurel to XS312, 4.5" Fibrespar composite gas pipeline.

Roach and Associates, Inc.
Registered Professional Engineers

William E. Roach, P.E.
PA license # PE036140E

KEYSTONE RENEWABLE ENERGY
HYDROTEST RECORD
LAUREL RIDGE PIPELINE

1-Mar-06
4.5" 1000 PSIG FIBRESPAR
PROCESSING PLANT TO XS312
POTENTIAL JURISDICTIONAL CLASS 1

TEST MEDIA- FRESH WATER
TIME STARTED 12:20 P.M.
TIME STOPPED 8:30 P.M.
DURATION +8 HRS

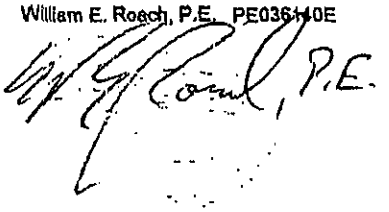
RECORD
THAW OUT RISERS WITH HEATER
HOLD SAFETY MEETING
RIG UP SUPERIOR SERVICES
FILL LINE TO XS312
REMOVE PIG, SECURE LINE
RUN WATER UNTIL NO BUBBLES AT XS312
CLOSE VALVES-PRESSURIZE TO 500 PSIG
HOLD 500 PSIG FOR 15 MINUTES DROP TO 494
PRESSURIZE TO 1000 PSIG HOLD FOR 15 MINUTES DROP TO 980
PRESSURIZE TO 1500 PSIG HOLD FOR 30 MINUTES DROP TO 1495
RIG UP DEAD WEIGHT CRYSTAL GAUGE
PRESSURE ON DEADWEIGH 1445.3
ADD WATER TO BRING PRESSURE UP TO 1500 PSIG
PRESSURE ROCKING ON DEADWEIGHT FROM 1490 TO 1510
PRESSURE ROCKS SETTLED OUT TO 1499 PSIG
SECURED LOWER MANIFOLD AND MOVED TO XS312 (+450 FT ELEVATION CHANGE)
RIGGED UP MANIFOLD AND CRYSTAL DEADWEIGHT GAUGE
LOGGED CALIBRATION DATE AND STARTED DATALOGGER FUNCTION
CORRECTED FOR ELEVATION AND ZEROED GAUGE
STARTED TEST AT 12:20 PM AT 1284.7 PSIG AND 35 DEGREES F, SLIGHT BREEZE, SUNNY

12:30	1283.3 PSIG 35 DEGREES F	
1:00	1275.0 PSIG 35 DEGREES F	
2:00	1269.0 PSIG 36 DEGREES F (FOUND TWO SMALL DRIP LEAKS IN MANIFOLD, FIXED ONE)	
3:00	1263.8 PSIG 35 DEGREES F	
4:00	1259.3 PSIG 35 DEGREES F	
5:00	1255.7 PSIG 34 DEGREES F	
6:00	1252.9 PSIG 33 DEGREES F, SUNDOWN	
7:00	1250.3 PSIG 31 DEGREES F	
8:00	1248.1 PSIG 31 DEGREES F	
8:30	1247 PSIG 29 DEGREES F	END TEST, BLOW DOWN,REMOVE DEADWEIGHT , SECURED PIPELINE

3/2/2006
INSERTED MD PIG IN XS312 RISER
CONNECTED DRAIN HOSE TO LOWER RISER AT PROCESSING PLANT
DRAINED WATER TO DITCH
CONNECTED AIR COMPRESSOR TO UPPER RISER. PUSHED PIG DOWN TO PROCESSING PLANT
INSERTED FOAM LD WIPER SQUEGEE PIG IN UPPER RISER
PUSHED PIG TO LOWER RISER AT PROCESSINGPLANT
BLEW DOWN PRESSURE ON LINE (<100 PSIG)
REMOVED PIGS
SECURED LINE.

TESTING COMPLETE

William E. Roach, P.E. PE036410E



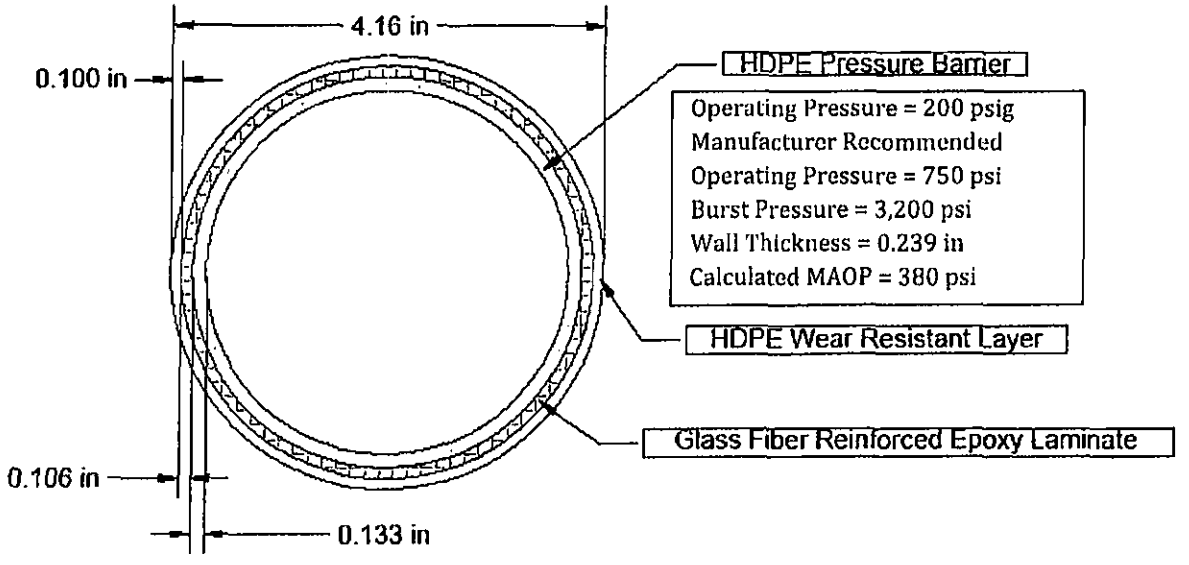
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BUREAU OF INVESTIGATION AND ENFORCEMENT

GAS SAFETY DIVISION

REQUEST FOR SPECIAL PERMIT: SHADE PIPELINE

1. Johnstown Regional Energy, LLC. is the requestor, owner, and operator.
2. Material of Construction is conflicting with regulation, as it is not mentioned in CFR 49 §192 Subpart B—Materials, and the owner seeks relief.
3. This is not an emergency.
4. Existing facility has become jurisdictional as of February 20, 2012 as per Act 127. A special permit is now necessary to waive pressure restrictions on this fiberglass reinforced plastic pipe.
5. *Description of Shade pipeline, for which special permitting is sought:*
    a. Fiberspar pipeline extends 6.8 miles entirely within Somerset County, PA
    b. Pipeline is Intrastate – Entire pipeline inside PA borders
    c. *Shade pipeline was installed in 2007 by Keystone Renewable Energy*
    d. Facilities affected by this permit include only the Shade pipeline. The facility terminates before plant, meter, etc.
    e. Pipeline will be transporting odorized processed methane gas.
    f. Material, thickness, diameter, and operating pressure of the pipeline:



6. Gas is not to be vented at landfill. Previous safety testing yields a MAOP in compliance with jurisdictional classification and current operating pressure. Therefore, operating the pipeline pursuant to this special permit meets public interest.
7. Steel pipe installation is the proposed alternative which is less suitable for media in transport.
8. This letter is requesting permanent waiver to circumvent non-steel pipeline pressure regulations.
9. Certification is attached showing that operation of the owner or operator's pipeline under the requested special permit will be consistent with pipeline safety.

ADDITIONAL PIPELINE INFORMATION:

Description of facilities at starting point: Shade processing plant where all separation, measurement, and dehydration is completed.

Description of facilities at end point: Tie-in to 6" steel pipeline with pig launcher and receiver at Naugle well site on Charles St.

Hydrostatic test details: 9 hours at 476.1 psi.

Method of calculating MAOP: Lowest pressure during pressure test with Class 2 design factor.

Design factor of pipeline: 0.12 (12% of Fiberspar rated burst pressure).

Details of Class Location: One mile span Class 2 from Whispering Pines Rd crossing to Dark Shade Dr crossing. Remaining pipeline is 5.8 miles of Class 1.

Depth of burial of pipeline: minimum 3 ft.

Design of road crossings: Design factor 0.12 (12% of Fiberspar rated burst pressure) with minimum 4 ft burial depth.

PIPELINE PHONE NUMBERS AND CONTACT INFORMATION:

Operator: Johnstown Regional Energy, LLC.
1407 Eisenhower Blvd,
Johnstown, PA 15904
Phone (814) 266-4861/4862

Owner: Somerset County General Authority
100 East Union Street
Somerset, PA 15501
EMERGENCY PHONE 911
Non-Emergency Phone (814) 445-1515

National Response Center: For assistance in notifying the appropriate Federal, state, or local agency concerning any release or potential release discovered in your area, contact the National Response Center:
Phone (800) 424-8802

Department of Transportation Crisis Management Center:
Phone (202) 366-1863
Fax (202) 366-3768

PHMSA Office of Pipeline Safety: For additional information on special permits, contact *PHMSA's Office of Pipeline Safety:*
Phone (202) 366-4595
Emergency Phone (202) 281-9438
Fax (202) 493-2311
Email Joy.Kadnar@dot.gov

Roach and Associates Inc.
615 Washington Road • Suite 404 • Pittsburgh, PA • 15228-1909
412-344-9310 • 412-344-9380 (Fax)

July 15, 2007

To whom it may concern:

RE: MAOP establishment...Keystone Renewable Energy. 4" composite Fibrespar pipeline, Shade sales line, Central City/Cairnbrook, Somerset County, PA.

I have reviewed documentation and records related to the construction and installation of the subject composite gas pipeline system. This system was installed in 2007 by Keystone. It runs from the p&a'd Naugle well site on Charles Street to the Shade processing plant in Central City, PA. I was not present nor did we have an inspector on site during the original installation.

Roach and Associates had an inspector on site for the testing phase only of the line for this MAOP establishment. All work was done in accordance with the requirements for CFR49 part 192 , subpart J and 192.611 as well as any other applicable parts. Most of the line is clearly nonjurisdictional with only the segment near Whispering Pines Road being potentially Class 1.

Obviously Roach and Associates cannot and will not be held responsible for errors resulting from deliberate or unintentional misrepresentation of the data presented to us. We have no reason to believe that any misrepresentations occurred in this case.

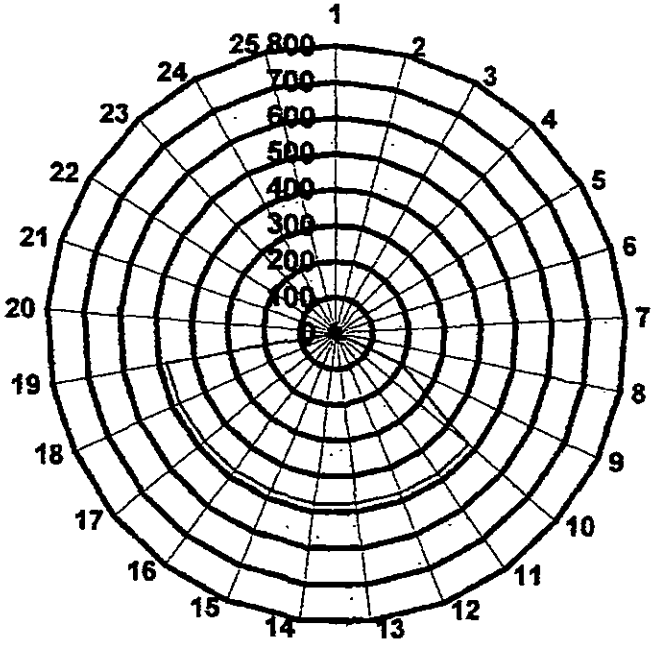
Based on the test records showing a minimum test pressure of 476.1 psig in this potentially Class 1 area, it is easy to support and declare a safe MAOP of 432 psig for this gathering system. Indeed with additional future testing, a higher MAOP could be supported.

To recap, this letter is to serve as a valid establishment statement for an MAOP of 432 psig for the entire Keystone 4" composite Fibrespar gas gathering pipeline.

Roach and Associates, Inc.
Registered Professional Engineers

William E. Roach, P.E.
PE license # PE-036140-E

Keystone Renewable Energy Test Chart
07/05/07 4" Fibrespar from Naugle well to Central City Processing plant
(476.1 psig min pressure)



JRE Shade 5

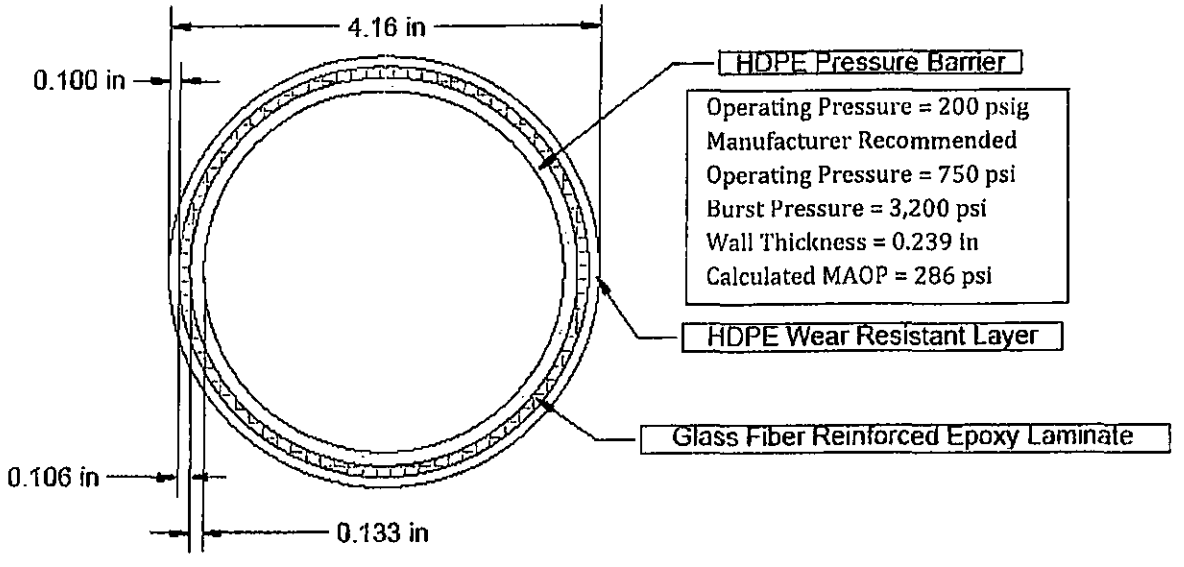
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BUREAU OF INVESTIGATION AND ENFORCEMENT

GAS SAFETY DIVISION

REQUEST FOR SPECIAL PERMIT: SOUTHERN ALLEGHENIES PIPELINE

1. Johnstown Regional Energy, LLC. is the requestor, owner, and operator.
2. Material of Construction is conflicting with regulation, as it is not mentioned in CFR 49 §192 *Subpart B—Materials, and the owner seeks relief.*
3. This is not an emergency.
4. Existing facility has become jurisdictional as of February 20, 2012 as per Act 127. A special permit is now necessary to waive pressure restriction on this fiberglass reinforced plastic pipe.
5. *Description of Southern Alleghenies pipeline, for which special permitting is sought:*
    a. Fiberspar Pipeline extends 1.3 miles entirely within Somerset County, PA
    b. Pipeline is Intrastate – Entire pipeline inside PA borders
    c. This pipeline was installed in 2007 by Keystone Renewable Energy
    d. Facilities affected by this permit include only the Southern Alleghenies pipeline. The facility terminates before plant, meter, etc.
    e. Pipeline will be transporting odorized processed methane gas.
    f. Material, thickness, diameter, and operating pressure of the pipeline:



6. Gas is not to be vented at landfill. Previous safety testing yields a MAOP in compliance with jurisdictional classification and current operating pressure. Therefore, operating the pipeline pursuant to this special permit meets public interest.
7. Steel pipe installation is the proposed alternative which is not suitable for media in transport.
8. This letter is requesting permanent waiver to circumvent non-steel pipeline pressure regulations.
9. Certification is attached showing that operation of the owner or operator's pipeline under the requested special permit will be consistent with pipeline safety.

ADDITIONAL PIPELINE INFORMATION:

Description of facilities at starting point: Southern Alleghenies processing plant where all separation, measurement, and dehydration is completed.

Description of facilities at end point: Filter and transfer custody meter at sales point on East Campus Rd.

Hydrostatic test details: 17 hours at 357.7 psi.

Method of calculating MAOP: Lowest pressure during pressure test with Class 2 design factor.

Design factor of pipeline: 0.09 (9% of Fiberspar rated burst pressure).

Details of Class Location: entirely Class 2.

Depth of burial of pipeline: minimum 3 ft.

Design of road crossings: Design factor 0.09 (9% of Fiberspar rated burst pressure) with minimum 4 ft burial depth.

ADDITIONAL PIPELINE PHONE NUMBERS AND CONTACT INFORMATION:

Operator: Johnstown Regional Energy, LLC
1407 Eisenhower Blvd,
Johnstown, PA 15904
Phone (814) 266-4861/4862

Owner: Somerset County General Authority
100 East Union Street
Somerset, PA 15501
EMERGENCY PHONE 911
Non-Emergency Phone (814) 445-1515

National Response Center: For assistance in notifying the appropriate Federal, state, or local agency concerning any release or potential release discovered in your area, contact the National Response Center:
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Department of Transportation Crisis Management Center:
Phone (202) 366-1863
Fax (202) 366-3768

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Phone (202) 366-4595
Emergency Phone (202) 281-9438
Fax (202) 493-2311
Email Joy.Kadnar@dot.gov

Roach and Associates Inc.

JRE Southern Alleghenies 4

615 Washington Road • Suite 404 • Pittsburgh, PA • 15228-1909

412-344-9310 • 412-344-9380 (Fax)

July 15, 2007

To whom it may concern:

RE: MAOP establishment...Keystone Renewable Energy. 4" composite Fibrespar pipeline Southern Alleghenies Sales line, Davidsville, Somerset County, PA

I have reviewed documentation and records related to the construction and installation of the subject composite gas pipeline system. This system was installed in 2007 by Keystone. It runs from the Southern Alleghenies processing plant to a sales point on East Campus Road in Davidsville, PA. I was not present nor did we have an inspector on site during the original installation.

Roach and Associates had an inspector on site for the testing phase only of the line for this MAOP establishment. All work was done in accordance with the requirements for CFR49 part 192 , subpart J and 192.611 as well as any other applicable parts. Most of the line is clearly nonjurisdictional with only the segment near East Campus Road being potentially Class 1.

Obviously Roach and Associates cannot and will not be held responsible for errors resulting from deliberate or unintentional misrepresentation of the data presented to us. We have no reason to believe that any misrepresentations occurred in this case.

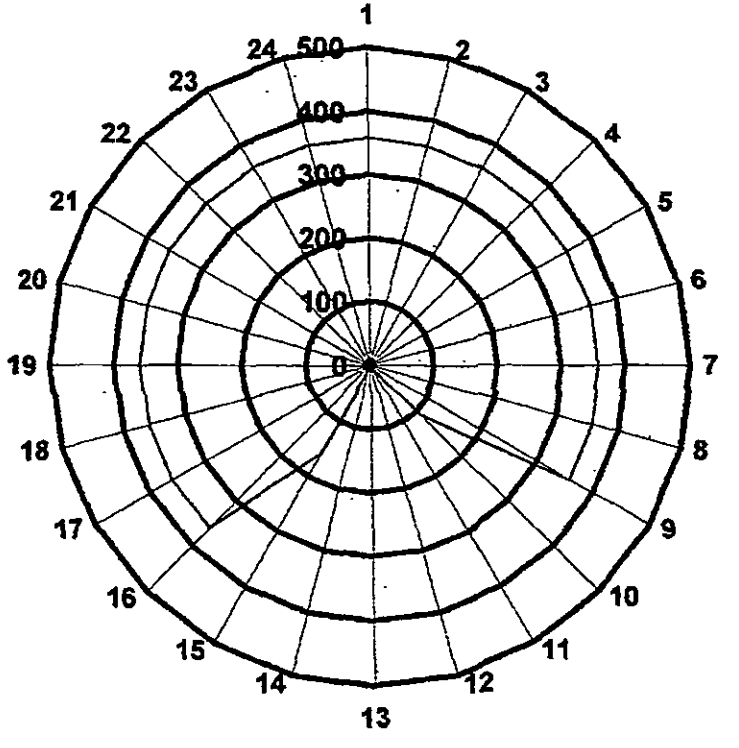
Based on the test records showing a minimum test pressure of 357.7 psig in this potentially Class 1 area, it is easy to support and declare a safe MAOP of 324 psig for this gathering system. Indeed with additional future testing, a higher MAOP could be supported.

To recap, this letter is to serve as a valid establishment statement for an MAOP of 324 psig for the entire Keystone Southern Alleghenies 4" composite Fibrespar gas gathering pipeline.

Roach and Associates, Inc.
Registered Professional Engineers

William E. Roach, P.E.
PE license # PE-036140-E

Keystone Renewable Energy Test Chart
06/11/07 Southern Alleghenies Fibrespar
(357.7 psig min pressure)



HISTORICAL COMPOSITE PIPE WAIVERS

PENNSYLVANIA PUBLIC UTILITY COMMISSSION

BUREAU OF INVESTIGATION AND ENFORCEMENT

GAS SAFETY DIVISION

Waiver 192.53 3

February 25, 2005

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. RSPA-04-18757; Notice 2]

Pipeline Safety: Grant of Waiver; Columbia Gas Transmission

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice; grant of waiver.

SUMMARY: The Office of Pipeline Safety (OPS) is granting Columbia Gas Transmission's (Columbia) petition for a waiver of the pipeline safety regulations to install fiberglass reinforced polyethylene pipe in its high pressure natural gas storage field operations.

SUPPLEMENTARY INFORMATION:

Background

Columbia has petitioned OPS for a waiver from compliance with 49 CFR 192.53(c), 192.121, 192.123, and 192.619(a) to allow for installation and operation of fiberglass reinforced polyethylene pipe in its high pressure natural gas storage field operations. Columbia is proposing to install approximately 4,200 feet of 4-inch Fiber® spooled, non-metallic composite line pipe in its Dundee Storage Field.

On September 8, 2004, OPS published a notice in the Federal Register requesting public comment on Columbia's waiver request (69 FR 054345). The cities of Charlottesville and Richmond, Virginia (jointly referred to as "Cities") submitted several comments in response to the Notice.

As Columbia customers, the Cities are concerned that granting this waiver may diminish Columbia's ability to provide reliable firm storage and natural gas transportation service. The Cities contends that if Columbia's ability is diminished, then, the Cities reliability to deliver natural gas to its customers may be diminished as well.

The following are the Cities comments regarding Columbia's petition for waiver:

(1) Fiberspar's® fiberglass reinforced polyethylene plastic pipe has no track record thus it is difficult to determine whether or not the proposed material is reliable over the long term.

This waiver requires Columbia to schedule five inspections to perform both non-destructive and destructive testing on this pipe material after installation. The inspections and tests will be performed 1, 2.5, 5, 7.5, and 10 years after installation. This waiver requires Columbia to remove a minimum ten foot pipe segment for inspection during each inspection; non-destructive testing will focus on the composition and degradation of the pipe material and destructive testing will be a hydrotest to burst pressure.

(2) The Cities commented that the Fiber® pipe material has not been tested by an independent research authority.

Columbia and Fibers® have been engaged in meetings and discussion regarding the research involved in the development of this pipe material. OPS is aware that Fiber® has not had this pipe material tested and rated before the American Society for Testing and Materials (ASTM)--an independent research authority recognized by OPS-- OPS also believes that vendors like Fiberspar's® should submit their product(s) for proper testing and development and meet ASTM standards. For this reason and as a condition of this waiver, OPS will limit Columbia's use of this pipe material to five years unless Fiber®rdquo; submits this pipe material to ASTM for testing and have this material listed as an acceptable material meeting ASTM requirement for new materials and have a listing with the plastics pipe institute (PPI) within five years of the pipe's original installation. If Fiber®rdquo; fails to submit this pipe material to ASTM for testing, Columbia will be required to discontinue use of this pipe material at the end of the 5th year following installation and conform to the regulatory requirements of 49 CFR Sec. Sec. 192.53(c), 192.121, 192.123, and 192.619(a). If it is determined that the commodity transported in this pipeline is not compatible with, and proves detrimental to, this pipe material, OPS reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

(3)The Cities commented that it will be unable to deliver firm storage service to its customers if Columbia determines this pipe material to be unreliable.

Columbia's responsibility to provide reliable gas service to its customers is not diminished by this waiver or its use of this pipe material. By issuing this waiver, OPS believes Columbia will continue to provide reliable service to its customers. If it is determined that the commodity transported in this pipeline is not compatible with, and proves detrimental to, this pipe material, OPS reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

(4) The Cities commented that the 0.67 service (design) factor contained in the design formula results in a lower safety factor than the 0.32 design factor contained in the design formula under Sec. 192.121.

Columbia seeks approval to use the following design formula from API 15HR:

$Pr = Ss \times Sf \times (Ri2-R02) / (R02+Ri2)$

Where:

Pr = Fiber® Line Pipe Standard Pressure Rating, psig

Ss = 95 percent Lower Confidence Limit (LCL) of the Long- B, psig

Sf = 0.67 service (design) factor per API 15 HR.

R0 = radius of the pipe at the outside of the minimum reinforced wall thickness, inches

Ri = radius of the pipe at the inside of the minimum reinforced wall thickness, inches

Fiberspar® uses a service factor in its calculation of the Standard Pressure Rating, Pr, which is 25% less than the maximum service factor required by API 15HR. API 15HR requires a service factor of 0.67. By using a service factor which is 25% less, the result is an increase in the long-term reliability of this pipe material.

(5) The Cities commented that Columbia's choice to use plastic pipe increases the risk of pipe damage by a backhoe.

This waiver does not waive Columbia's responsibility to meet the excavation requirements of the Federal pipeline safety standards. Columbia is required to have excavation procedures in their Operations and Maintenance manual and their personnel are expected to be familiar with and follow those procedures whenever construction near the pipeline is being performed.

(6) The Cities commented that Columbia did not specify how they intend to comply with the requirements of one-call notification.

Columbia is required to have a damage prevention program in place and documented in their Operations and Maintenance manual. Columbia's personnel are expected to be familiar with and follow that program whenever events required them to do so. The waiver does not relieve Columbia from its responsibility to meet the one-call notification requirements of the Federal pipeline safety standards.

Grant of Waiver

Based on the above information, OPS hereby grants Columbia's request for waiver from the requirements of 49 CFR Sec. Sec. 192.53(c), 192.121, 192.123, and 192.619(a). The waiver allows Columbia to install and operate approximately 4,200 feet of four inch Fiberspar® fiberglass reinforced polyethylene plastic pipe in its Dundee Storage Field located in Schulyer County, New York.

As a condition of the grant of this waiver, Columbia must--

- Apply this waiver only to piping within its Dundee Storage Field;
- Apply this waiver in non High Consequence Area(s);
- Apply this waiver in Class 1 location(s) only;
- Develop qualifications on joining methods through Fiberspar® installation training courses and field training; qualifications and joining methods must be available to OPS Eastern Region upon request;
- Apply this waiver to five storage wells and six lines as stated in the waiver request;
- Perform initial pipeline installation with qualified Fiberspar® personnel present and overseeing the installation; notify OPS Eastern Region of the date, time, and location of initial installation and provide opportunity for OPS Eastern Region to witness installation;

- Schedule five inspections for 1, 2.5, 5, 7.5, and 10 years after installation; remove a minimum ten foot pipe segment for inspection and perform both non-destructive and destructive testing on the pipe material. Non-destructive testing shall focus on the composition and degradation of the fiberglass reinforced polyethylene plastic pipe material and the destructive testing shall be a hydrotest to burst pressure. The results of the inspections and tests must be available to OPS Eastern Region upon request; and
- Submit Fiberspar® fiberglass reinforced polyethylene plastic pipe to ASTM for testing. If Fiberspar® fails to submit this pipe material to ASTM for testing and have this material listed as an acceptable material meeting ASTM requirement for new materials and have a listing with the plastics pipe institute (PPI) within five years of the pipe's original installation, Columbia must discontinue use of this pipe material at the end of the 5th year following initial installation and comply with the regulatory requirements of 49 CFR Sec. Sec. 192.53(c), 192.121, 192.123, and 192.619(a). If it is determined that the commodity transported in this pipeline is not compatible with, and proves detrimental to, this pipe material, OPS reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

If Columbia does not comply with any of these requirements, or if circumstances indicate that the waiver compromises the safety of the pipeline, people or property, OPS reserves the right to terminate this waiver.

Authority: 49 U.S.C. 60118(c) and 49 CFR 1.53.

Issued in Washington, DC, on February 25, 2005.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 05-4121 Filed 3-2-05; 8:45 am]

BILLING CODE 4910-60-P

Waiver 192.121 8
February 25, 2005

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. RSPA-04-18757; Notice 2]

Pipeline Safety: Grant of Waiver; Columbia Gas Transmission

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice; grant of waiver.

SUMMARY: The Office of Pipeline Safety (OPS) is granting Columbia Gas Transmission's (Columbia) petition for a waiver of the pipeline safety regulations to install fiberglass reinforced polyethylene pipe in its high pressure natural gas storage field operations.

SUPPLEMENTARY INFORMATION:

Background

Columbia has petitioned OPS for a waiver from compliance with 49 CFR 192.53(c), 192.121, 192.123, and 192.619(a) to allow for installation and operation of fiberglass reinforced polyethylene pipe in its high pressure natural gas storage field operations. Columbia is proposing to install approximately 4,200 feet of 4-inch Fiber® spooled, non-metallic composite line pipe in its Dundee Storage Field.

On September 8, 2004, OPS published a notice in the Federal Register requesting public comment on Columbia's waiver request (69 FR 054345). The cities of Charlottesville and Richmond, Virginia (jointly referred to as "Cities") submitted several comments in response to the Notice.

As Columbia customers, the Cities are concerned that granting this waiver may diminish Columbia's ability to provide reliable firm storage and natural gas transportation service. The Cities contends that if Columbia's ability is diminished, then, the Cities reliability to deliver natural gas to its customers may be diminished as well.

The following are the Cities comments regarding Columbia's petition for waiver:

(1) Fiberspar's® fiberglass reinforced polyethylene plastic pipe has no track record thus it is difficult to determine whether or not the proposed material is reliable over the long term.

This waiver requires Columbia to schedule five inspections to perform both non-destructive and destructive testing on this pipe material after installation. The inspections and tests will be performed 1, 2.5, 5, 7.5, and 10 years after installation. This waiver requires Columbia to remove a minimum ten foot pipe segment for inspection during each inspection; non-destructive testing will focus on the composition and degradation of the pipe material and destructive testing will be a hydrotest to burst pressure.

(2) The Cities commented that the Fiber® pipe material has not been tested by an independent research authority.

Columbia and Fibers® have been engaged in meetings and discussion regarding the research involved in the development of this pipe material. OPS is aware that Fiber® has not had this pipe material tested and rated before the American Society for Testing and Materials (ASTM)--an independent research authority recognized by OPS-- OPS also believes that vendors like Fiberspar's® should submit their product(s) for proper testing and development and meet ASTM standards. For this reason and as a condition of this waiver, OPS will limit Columbia's use of this pipe material to five years unless Fiber®rdquo; submits this pipe material to ASTM for testing and have this material listed as an acceptable material meeting ASTM requirement for new materials and have a listing with the plastics pipe institute (PPI) within five years of the pipe's original installation. If Fiber®rdquo; fails to submit this pipe material to ASTM for testing, Columbia will be required to discontinue use of this pipe material at the end of the 5th year following installation and conform to the regulatory requirements of 49 CFR Sec. Sec. 192.53(c), 192.121, 192.123, and 192.619(a). If it is determined that the commodity transported in this pipeline is not compatible with, and proves detrimental to, this pipe material, OPS reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

(3)The Cities commented that it will be unable to deliver firm storage service to its customers if Columbia determines this pipe material to be unreliable.

Columbia's responsibility to provide reliable gas service to its customers is not diminished by this waiver or its use of this pipe material. By issuing this waiver, OPS believes Columbia will continue to provide reliable service to its customers. If it is determined that the commodity transported in this pipeline is not compatible with, and proves detrimental to, this pipe material, OPS reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

(4) The Cities commented that the 0.67 service (design) factor contained in the design formula results in a lower safety factor than the 0.32 design factor contained in the design formula under Sec. 192.121.

Columbia seeks approval to use the following design formula from API 15HR:

$$Pr = Ss \times Sf \times (Ri2-R02) / (R02+Ri2)$$

Where:

Pr = Fiber® Line Pipe Standard Pressure Rating, psig

Ss = 95 percent Lower Confidence Limit (LCL) of the Long- B, psig

Sf = 0.67 service (design) factor per API 15 HR.

R0 = radius of the pipe at the outside of the minimum reinforced wall thickness, inches

Ri = radius of the pipe at the inside of the minimum reinforced wall thickness, inches

Fiberspar® uses a service factor in its calculation of the Standard Pressure Rating, Pr, which is 25% less than the maximum service factor required by API 15HR. API 15HR requires a service factor of 0.67. By using a service factor which is 25% less, the result is an increase in the long-term reliability of this pipe material.

(5) The Cities commented that Columbia's choice to use plastic pipe increases the risk of pipe damage by a backhoe.

This waiver does not waive Columbia's responsibility to meet the excavation requirements of the Federal pipeline safety standards. Columbia is required to have excavation procedures in their Operations and Maintenance manual and their personnel are expected to be familiar with and follow those procedures whenever construction near the pipeline is being performed.

(6) The Cities commented that Columbia did not specify how they intend to comply with the requirements of one-call notification.

Columbia is required to have a damage prevention program in place and documented in their Operations and Maintenance manual. Columbia's personnel are expected to be familiar with and follow that program whenever events required them to do so. The waiver does not relieve Columbia from its responsibility to meet the one-call notification requirements of the Federal pipeline safety standards.

Grant of Waiver

Based on the above information, OPS hereby grants Columbia's request for waiver from the requirements of 49 CFR Sec. Sec. 192.53(c), 192.121, 192.123, and 192.619(a). The waiver allows Columbia to install and operate approximately 4,200 feet of four inch Fiberspar® fiberglass reinforced polyethylene plastic pipe in its Dundee Storage Field located in Schulyer County, New York.

As a condition of the grant of this waiver, Columbia must--

- Apply this waiver only to piping within its Dundee Storage Field;

- Apply this waiver in non High Consequence Area(s);
- Apply this waiver in Class 1 location(s) only;
- Develop qualifications on joining methods through Fiberspar® installation training courses and field training; qualifications and joining methods must be available to OPS Eastern Region upon request;
- Apply this waiver to five storage wells and six lines as stated in the waiver request;
- Perform initial pipeline installation with qualified Fiberspar® personnel present and overseeing the installation; notify OPS Eastern Region of the date, time, and location of initial installation and provide opportunity for OPS Eastern Region to witness installation;
- Schedule five inspections for 1, 2.5, 5, 7.5, and 10 years after installation; remove a minimum ten foot pipe segment for inspection and perform both non-destructive and destructive testing on the pipe material. Non-destructive testing shall focus on the composition and degradation of the fiberglass reinforced polyethylene plastic pipe material and the destructive testing shall be a hydrotest to burst pressure. The results of the inspections and tests must be available to OPS Eastern Region upon request; and
- Submit Fiberspar® fiberglass reinforced polyethylene plastic pipe to ASTM for testing. If Fiberspar® fails to submit this pipe material to ASTM for testing and have this material listed as an acceptable material meeting ASTM requirement for new materials and have a listing with the plastics pipe institute (PPI) within five years of the pipe's original installation, Columbia must discontinue use of this pipe material at the end of the 5th year following initial installation and comply with the regulatory requirements of 49 CFR Sec. Sec. 192.53(c), 192.121, 192.123, and 192.619(a). If it is determined that the commodity transported in this pipeline is not compatible with, and proves detrimental to, this pipe material, OPS reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

If Columbia does not comply with any of these requirements, or if circumstances indicate that the waiver compromises the safety of the pipeline, people or property, OPS reserves the right to terminate this waiver.

Authority: 49 U.S.C. 60118(c) and 49 CFR 1.53.

Issued in Washington, DC, on February 25, 2005.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 05-4121 Filed 3-2-05; 8:45 am]

BILLING CODE 4910-60-P

Waiver 192.123 16
February 25, 2005

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. RSPA-04-18757; Notice 2]

Pipeline Safety: Grant of Waiver; Columbia Gas Transmission

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice; grant of waiver.

SUMMARY: The Office of Pipeline Safety (OPS) is granting Columbia Gas Transmission's (Columbia) petition for a waiver of the pipeline safety regulations to install fiberglass reinforced polyethylene pipe in its high pressure natural gas storage field operations.

SUPPLEMENTARY INFORMATION:

Background

Columbia has petitioned OPS for a waiver from compliance with 49 CFR 192.53(c), 192.121, 192.123, and 192.619(a) to allow for installation and operation of fiberglass reinforced polyethylene pipe in its high pressure natural gas storage field operations. Columbia is proposing to install approximately 4,200 feet of 4-inch Fiber® spooled, non-metallic composite line pipe in its Dundee Storage Field.

On September 8, 2004, OPS published a notice in the Federal Register requesting public comment on Columbia's waiver request (69 FR 054345). The cities of Charlottesville and Richmond, Virginia (jointly referred to as "Cities") submitted several comments in response to the Notice.

As Columbia customers, the Cities are concerned that granting this waiver may diminish Columbia's ability to provide reliable firm storage and natural gas transportation service. The Cities contends that if Columbia's ability is diminished, then, the Cities reliability to deliver natural gas to its customers may be diminished as well.

The following are the Cities comments regarding Columbia's petition for waiver:

(1) Fiberspar's® fiberglass reinforced polyethylene plastic pipe has no track record thus it is difficult to determine whether or not the proposed material is reliable over the long term.

This waiver requires Columbia to schedule five inspections to perform both non-destructive and destructive testing on this pipe material after installation. The inspections and tests will be performed 1, 2.5, 5, 7.5, and 10 years after installation. This waiver requires Columbia to remove a minimum ten foot pipe segment for inspection during each inspection; non-destructive testing will focus on the composition and degradation of the pipe material and destructive testing will be a hydrotest to burst pressure.

(2) The Cities commented that the Fiber® pipe material has not been tested by an independent research authority.

Columbia and Fibers® have been engaged in meetings and discussion regarding the research involved in the development of this pipe material. OPS is aware that Fiber® has not had this pipe material tested and rated before the American Society for Testing and Materials (ASTM)--an independent research authority recognized by OPS-- OPS also believes that vendors like Fiberspar's® should submit their product(s) for proper testing and development and meet ASTM standards. For this reason and as a condition of this waiver, OPS will limit Columbia's use of this pipe material to five years unless Fiber®rdquo; submits this pipe material to ASTM for testing and have this material listed as an acceptable material meeting ASTM requirement for new materials and have a listing with the plastics pipe institute (PPI) within five years of the pipe's original installation. If Fiber®rdquo; fails to submit this pipe material to ASTM for testing, Columbia will be required to discontinue use of this pipe material at the end of the 5th year following installation and conform to the regulatory requirements of 49 CFR Sec. Sec. 192.53(c), 192.121, 192.123, and 192.619(a). If it is determined that the commodity transported in this pipeline is not compatible with, and proves detrimental to, this pipe material, OPS reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

(3)The Cities commented that it will be unable to deliver firm storage service to its customers if Columbia determines this pipe material to be unreliable.

Columbia's responsibility to provide reliable gas service to its customers is not diminished by this waiver or its use of this pipe material. By issuing this waiver, OPS believes Columbia will continue to provide reliable service to its customers. If it is determined that the commodity transported in this pipeline is not compatible with, and proves detrimental to, this pipe material, OPS reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

(4) The Cities commented that the 0.67 service (design) factor contained in the design formula results in a lower safety factor than the 0.32 design factor contained in the design formula under Sec. 192.121.

Columbia seeks approval to use the following design formula from API 15HR:

$Pr = Ss \times Sf \times (Ri2-R02) / (R02+Ri2)$

Where:

Pr = Fiber® Line Pipe Standard Pressure Rating, psig

Ss = 95 percent Lower Confidence Limit (LCL) of the Long- B, psig

Sf = 0.67 service (design) factor per API 15 HR.

R0 = radius of the pipe at the outside of the minimum reinforced wall thickness, inches

Ri = radius of the pipe at the inside of the minimum reinforced wall thickness, inches

Fiberspar® uses a service factor in its calculation of the Standard Pressure Rating, Pr, which is 25% less than the maximum service factor required by API 15HR. API 15HR requires a service factor of 0.67. By using a service factor which is 25% less, the result is an increase in the long-term reliability of this pipe material.

(5) The Cities commented that Columbia's choice to use plastic pipe increases the risk of pipe damage by a backhoe.

This waiver does not waive Columbia's responsibility to meet the excavation requirements of the Federal pipeline safety standards. Columbia is required to have excavation procedures in their Operations and Maintenance manual and their personnel are expected to be familiar with and follow those procedures whenever construction near the pipeline is being performed.

(6) The Cities commented that Columbia did not specify how they intend to comply with the requirements of one-call notification.

Columbia is required to have a damage prevention program in place and documented in their Operations and Maintenance manual. Columbia's personnel are expected to be familiar with and follow that program whenever events required them to do so. The waiver does not relieve Columbia from its responsibility to meet the one-call notification requirements of the Federal pipeline safety standards.

Grant of Waiver

Based on the above information, OPS hereby grants Columbia's request for waiver from the requirements of 49 CFR Sec. Sec. 192.53(c), 192.121, 192.123, and 192.619(a). The waiver allows Columbia to install and operate approximately 4,200 feet of four inch Fiberspar® fiberglass reinforced polyethylene plastic pipe in its Dundee Storage Field located in Schulyer County, New York.

As a condition of the grant of this waiver, Columbia must--

- Apply this waiver only to piping within its Dundee Storage Field;
- Apply this waiver in non High Consequence Area(s);
- Apply this waiver in Class 1 location(s) only;
- Develop qualifications on joining methods through Fiberspar® installation training courses and field training; qualifications and joining methods must be available to OPS Eastern Region upon request;
- Apply this waiver to five storage wells and six lines as stated in the waiver request;
- Perform initial pipeline installation with qualified Fiberspar® personnel present and overseeing the installation; notify OPS Eastern Region of the date, time, and location of initial installation and provide opportunity for OPS Eastern Region to witness installation;
- Schedule five inspections for 1, 2.5, 5, 7.5, and 10 years after installation; remove a minimum ten

foot pipe segment for inspection and perform both non-destructive and destructive testing on the pipe material. Non-destructive testing shall focus on the composition and degradation of the fiberglass reinforced polyethylene plastic pipe material and the destructive testing shall be a hydrotest to burst pressure. The results of the inspections and tests must be available to OPS Eastern Region upon request; and

- Submit Fiberspar® fiberglass reinforced polyethylene plastic pipe to ASTM for testing. If Fiberspar® fails to submit this pipe material to ASTM for testing and have this material listed as an acceptable material meeting ASTM requirement for new materials and have a listing with the plastics pipe institute (PPI) within five years of the pipe's original installation, Columbia must discontinue use of this pipe material at the end of the 5th year following initial installation and comply with the regulatory requirements of 49 CFR Sec. Sec. 192.53(c), 192.121, 192.123, and 192.619(a). If it is determined that the commodity transported in this pipeline is not compatible with, and proves detrimental to, this pipe material, OPS reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

If Columbia does not comply with any of these requirements, or if circumstances indicate that the waiver compromises the safety of the pipeline, people or property, OPS reserves the right to terminate this waiver.

Authority: 49 U.S.C. 60118(c) and 49 CFR 1.53.

Issued in Washington, DC, on February 25, 2005.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 05-4121 Filed 3-2-05; 8:45 am]

BILLING CODE 4910-60-P

Waiver 192.619 16

February 25, 2005

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. RSPA-04-18757; Notice 2]

Pipeline Safety: Grant of Waiver; Columbia Gas Transmission

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

ACTION: Notice; grant of waiver.

SUMMARY: The Office of Pipeline Safety (OPS) is granting Columbia Gas Transmission's (Columbia) petition for a waiver of the pipeline safety regulations to install fiberglass reinforced polyethylene pipe in its high pressure natural gas storage field operations.

SUPPLEMENTARY INFORMATION:

Background

Columbia has petitioned OPS for a waiver from compliance with 49 CFR 192.53(c), 192.121, 192.123, and 192.619(a) to allow for installation and operation of fiberglass reinforced polyethylene pipe in its high pressure natural gas storage field operations. Columbia is proposing to install approximately 4,200 feet of 4-inch Fiber® spooled, non-metallic composite line pipe in its Dundee Storage Field.

On September 8, 2004, OPS published a notice in the Federal Register requesting public comment on Columbia's waiver request (69 FR 054345). The cities of Charlottesville and Richmond, Virginia (jointly referred to as "Cities") submitted several comments in response to the Notice.

As Columbia customers, the Cities are concerned that granting this waiver may diminish Columbia's ability to provide reliable firm storage and natural gas transportation service. The Cities contends that if Columbia's ability is diminished, then, the Cities reliability to deliver natural gas to its customers may be diminished as well.

The following are the Cities comments regarding Columbia's petition for waiver:

(1) Fiberspar's® fiberglass reinforced polyethylene plastic pipe has no track record thus it is difficult to determine whether or not the proposed material is reliable over the long term.

This waiver requires Columbia to schedule five inspections to perform both non-destructive and destructive testing on this pipe material after installation. The inspections and tests will be performed 1, 2.5, 5, 7.5, and 10 years after installation. This waiver requires Columbia to remove a minimum ten foot pipe segment for inspection during each inspection; non-destructive testing will focus on the composition and degradation of the pipe material and destructive testing will be a hydrotest to burst pressure.

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Columbia and Fibers® have been engaged in meetings and discussion regarding the research involved in the development of this pipe material. OPS is aware that Fiber® has not had this pipe material tested and rated before the American Society for Testing and Materials (ASTM)--an independent research authority recognized by OPS-- OPS also believes that vendors like Fiberspar's® should submit their product(s) for proper testing and development and meet ASTM standards. For this reason and as a condition of this waiver, OPS will limit Columbia's use of this pipe material to five years unless Fiber®rdquo; submits this pipe material to ASTM for testing and have this material listed as an acceptable material meeting ASTM requirement for new materials and have a listing with the plastics pipe institute (PPI) within five years of the pipe's original installation. If Fiber®rdquo; fails to submit this pipe material to ASTM for testing, Columbia will be required to discontinue use of this pipe material at the end of the 5th year following installation and conform to the regulatory requirements of 49 CFR Sec. Sec. 192.53(c), 192.121, 192.123, and 192.619(a). If it is determined that the commodity transported in this pipeline is not compatible with, and proves detrimental to, this pipe material, OPS reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

(3)The Cities commented that it will be unable to deliver firm storage service to its customers if Columbia determines this pipe material to be unreliable.

Columbia's responsibility to provide reliable gas service to its customers is not diminished by this waiver or its use of this pipe material. By issuing this waiver, OPS believes Columbia will continue to provide reliable service to its customers. If it is determined that the commodity transported in this pipeline is not compatible with, and proves detrimental to, this pipe material, OPS reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

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Where:

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This waiver does not waive Columbia's responsibility to meet the excavation requirements of the Federal pipeline safety standards. Columbia is required to have excavation procedures in their Operations and Maintenance manual and their personnel are expected to be familiar with and follow those procedures whenever construction near the pipeline is being performed.

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Grant of Waiver

Based on the above information, OPS hereby grants Columbia's request for waiver from the requirements of 49 CFR Sec. Sec. 192.53(c), 192.121, 192.123, and 192.619(a). The waiver allows Columbia to install and operate approximately 4,200 feet of four inch Fiberspar® fiberglass reinforced polyethylene plastic pipe in its Dundee Storage Field located in Schulyer County, New York.

As a condition of the grant of this waiver, Columbia must--

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- Apply this waiver in Class 1 location(s) only;
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- Submit Fiberspar® fiberglass reinforced polyethylene plastic pipe to ASTM for testing. If Fiberspar® fails to submit this pipe material to ASTM for testing and have this material listed as an acceptable material meeting ASTM requirement for new materials and have a listing with the plastics pipe institute (PPI) within five years of the pipe's original installation, Columbia must discontinue use of this pipe material at the end of the 5th year following initial installation and comply with the regulatory requirements of 49 CFR Sec. Sec. 192.53(c), 192.121, 192.123, and 192.619(a). If it is determined that the commodity transported in this pipeline is not compatible with, and proves detrimental to, this pipe material, OPS reserves the right, as a condition of this waiver, to curtail or discontinue the use of this pipe material.

If Columbia does not comply with any of these requirements, or if circumstances indicate that the waiver compromises the safety of the pipeline, people or property, OPS reserves the right to terminate this waiver.

Authority: 49 U.S.C. 60118(c) and 49 CFR 1.53.

Issued in Washington, DC, on February 25, 2005.

Theodore L. Willke,

Deputy Associate Administrator for Pipeline Safety.

[FR Doc. 05-4121 Filed 3-2-05; 8:45 am]

BILLING CODE 4910-60-P

FIBERSPAR SPECIFICATION COMPLIANCE

PENNSYLVANIA PUBLIC UTILITY COMMISSSION

BUREAU OF INVESTIGATION AND ENFORCEMENT

GAS SAFETY DIVISION

FIBERSPAR QUALITY ASSURANCE

FIBERSPAR LINEPIPE MANUFACTURING IS ISO 9001 COMPLIANT.

Fiberspar LinePipe manufacturing is ISO 9001 compliant.

Fiberspar conducts a comprehensive testing program using ASTM and other industry testing standards. We have full mechanical and resin-testing capabilities in house. We also conduct long-term hydrostatic testing.

Product development specifications are based on industry standards where applicable (CSA, API, ASTM, UKOOA, etc.).

Fiberspar has a Three-Tier Production Reporting System:

- Certificate of Conformance
- Manufacturing Report
- Engineering Report

Fiberspar LinePipe is designed and manufactured in accordance with the following specifications:

- API 15 HR – "Specification for High Pressure Fiberglass Line Pipe"
- API 15 S – "Qualification of Spoolable Reinforced Plastic Line Pipe"
- CSA Z662 Section 13.1 – "Fibreglass Pipeline"
- ASTM D2996 – "Standard Specification for Filament-Wound Glass-Fiber-Reinforced Thermosetting-Resin Pipe."

Fiberspar LinePipe™ installs and operates in the harshest conditions.

Click Here to read more.

Fiberspar's new LinePipe LPI: Large-diameter pipe.

Click Here to read more.

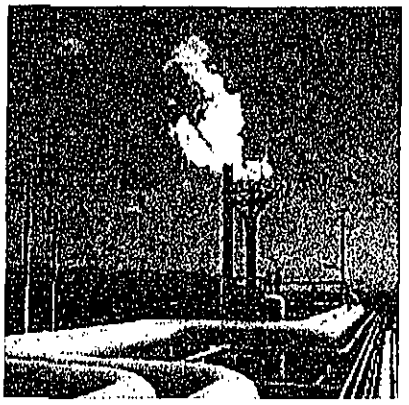
JOHNSTOWN REGIONAL ENERGY
PIPELINE PROJECTS DESCRIPTION

PENNSYLVANIA PUBLIC UTILITY COMMISSSION

BUREAU OF INVESTIGATION AND ENFORCEMENT

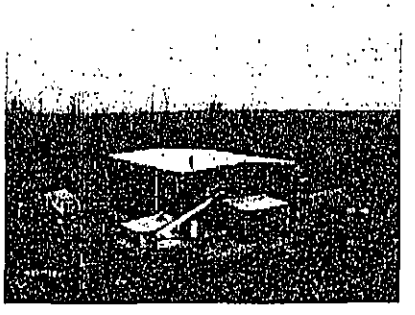
GAS SAFETY DIVISION

Methane Gas Projects



The Johnstown Redevelopment Authority partnered with Keystone Renewable Energy and our major industries, in cooperation with Waste Management, Inc., to revitalize the City of Johnstown through the Rager Mountain and Somerset Methane Recovery Projects. With these entities committed and three well-positioned landfills nearby, Johnstown was a prime location for advanced energy development. These renewable energy projects provide an opportunity to offer a clean and renewable energy source from the methane gas naturally produced from surrounding landfills. This previously untapped energy source represents an economic growth and development opportunity by providing a cheaper and environmentally friendly energy option to large industrial and commercial users of natural gas, and puts landfills to good use, as well as reducing the air pollution caused by allowing the methane to either be burned at the landfill site or escape into the atmosphere.

The methane projects include three local landfills owned by Waste Management, miles of pipeline and two landfill gas cleaning plants. Processed gas will be delivered from the landfill sites to Johnstown's major industrial and commercial customers that were part of the efforts to bring renewable energy to the area. Six million dollars has already been invested to date on the Rager Mountain project and an additional $15 million will be required for construction of the pipelines and processing equipment for Phase II - Somerset.



The goals of the project were both economic and environmental. They included delivering a long-term supply of low-cost, reliable, renewable energy to manufacturing and industrial customers – which in turn can lower production costs, create jobs, and attract new business for Johnstown and the Commonwealth and significantly reduce local reliance upon natural gas while lowering contributions to air pollution.

The Methane Recovery Projects also provide potential long-term environmental benefits. Municipal solid waste landfills are the largest human-generated source of methane emissions, a very potent greenhouse gas. The collection and use of first year landfill gas flow is equivalent to taking 162,000 cars off the road, planting 225,000 acres of trees, preventing the use of 1,755,000 barrels of oil and heating more than 45,000 homes. The recovery of the methane gas also reduces the use of fossil fuels, which reduces air pollution and improves the quality of air near the landfills.

Johnstown Regional Energy, LLC

Table on Operating Pressure

Attachment C

Johnstown Regional Energy, LLC

Table on Operating Pressure

Attachment C

Actual System Operating Pressure: 210-850psig
System MAOP: 339 to 1284psig
MAOP Method: PTest

Line Name	Year Installed	Footage	Grade	Wall Thick-ness	Coating Type	Nominal Diameter	SMYS	MAOP	% SMYS at MAOP	Pressure Test Medium	Pressure Test Duration	Test Pressure	Operating Pressure
Raeger MT	2006	8800	NA	.36	Fiber	4.5in	5300	997	18.8	Water	8hr/10min	1284	850
Southern	2007	7920	NA	.122	Fiber	4in	3100	324	10.5	Gas	17hr/21min	357.7	210
Shade 1	2007	36,960	NA	.122	Fiber	4in	3100	432	14	Gas	8hr/15min	476.1	210

Johnstown Regional Energy, LLC

PHMSA Letter

Attachment D

U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

APR 15 2014

Mr. Tim Zeuger
Roach and Associates, Inc.
Registered Professional Engineers
615 Washington Road, Suite TL7
Pittsburgh, PA 15228

Dear Mr. Zeuger:

The Pipeline and Hazardous Materials Safety Administration (PHMSA) received your e-mail query of March 12, 2014, in which you sought information to determine whether a special permit is needed or not for the use of Fiberspar pipe on three systems of the Johnstown Regional Energy pipelines.

PHMSA carefully reviewed your submitted documentation and determined that the operations of Johnstown Regional Energy, LLC, fall under the jurisdiction of the State of Pennsylvania.

Please address your client's query to:

Mr. Paul J. Metro, Manager
The Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Gas Safety Division
Post Office Box 3265
Harrisburg, PA 17105-3265

Thank you for your continued efforts in pipeline safety. Please feel free to call on me at 202-366-0434 should you require additional information.

Sincerely,

John A. Gale
Standards and Rulemaking

cc: The Pennsylvania Public Utility Commission

Johnstown Regional Energy, LLC

PUC Letter

Attachment E

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

August 27, 2014

REFERENCE:
L-4-14

Mr. Jeremy Snyder
Asset Manager
Johnstown Regional Energy
4488 Onondaga Boulevard
Syracuse, NY 13219

Mr. William Roach
President
Roach and Associates, Inc.
Registered Professional Engineers
615 Washington Road Ste TL7
Pittsburgh, PA 15228

Mr. Timothy Zeuger
Engineer
Roach and Associates, Inc.
Registered Professional Engineers
615 Washington Road Ste TL7
Pittsburgh, PA 15228

Dear Gentlemen:

This is in response to the letter dated May 29, 2014, requesting a special Permit for Johnstown Regional Energy's use of fiberspar pipe for the transportation of landfill gas in Somerset and Cambria Counties. We have reviewed the material that was supplied by Roach and Associates, Inc. We reviewed the information related to the Columbia Gas Transmission waivers in Danville, New York and would like to set up a meeting with the parties to discuss the continued use of the fiberspar pipelines owned by Johnstown Regional Energy in Somerset and Cambria Counties.

We understand that this pipe has been in service since 2006 and 2007 respectively. The Pennsylvania Public Utility Commission accepted jurisdiction of these pipelines as a result of Act 127 in 2012. The pipelines can remain in service until the decision is agreed upon by all parties regarding this special permit. You are currently scheduled for a meeting September 3 and 4, 2014. We can set up a meeting for this time.

Please let me know if this schedule would work 717-787-1063.

Very truly yours,

Paul J. Metro
Manager, Gas Safety Division
Bureau of Investigation and Enforcement

PM:bb

PC: Johnnie Simms, Director, I&E

Johnstown Regional Energy, LLC

Environmental Information

Attachment F

Johnstown Regional Energy, LLC

Environmental Information

Attachment F

Continued Operations:

The requested waiver would continue existing operations and would not increase any environmental impacts or affect the risk of rupture or failure. There have not been any leaks or safety issues in JRE's pipelines. Pipelines are operated well below design limitations of the Fiberspar pipe.

Used In Buried Mode:

Raeger Pipeline, the Shade Pipeline and the Southern Alleghenies Pipelines have already been constructed. There are no known construction issues with any of these pipelines. No blistering or collapse been observed during the installation, testing and/or subsequent use of Fiberspar line pipe.

The pipelines were buried at a minimum of three feet (below the frost line), and were bedded to best industry practices. Sweep bends within the tolerance permitted by the pipe manufacturer were used. No adverse loads have been experienced or are expected No environmentally sensitive areas were encountered in construction.

The carbon steel connectors were used. All pipe and connectors designed, constructed, distributed and QC'd by **manufacturer.** All connections by design confine the gas to the polyethylene liner. Sacrificial anodes on connectors are measured and above -850 mv threshold.

Each of the pipelines includes a permanent pig launcher and receiver

Soils/Geologic Hazards:

The pipelines have operated safely in ambient environment for past seven years. There are nursery and farms along the Fiberspar segments of the Southern Alleghenies Pipeline, and Gamelands along the Fiberspar segments of the Raeger Pipeline. There are reclaimed coal mines along the Fiberspar segments of the Shade Pipeline.

The Fiberspar material is corrosion resistant, and is not considered to have significant potential for corrosion in its current application in Cambria and Somerset Counties.

The pipelines were installed in a non earthquake area. There are no known faults directly below the pipeline route that would result in differential ground movement. The Fiberspar piping material is more flexible than steel piping, and is not considered to have significant potential for damage from earthquakes in its current application in Cambria and Somerset Counties.

Fiberspar indicates that the lower modulus and flexibility of their pipe allow it to absorb movement and energy. However, if any large shear loads are created from ground sifts they could potentially cause damage. The pipe has been used in other seismically active areas including the Bakersfield and Los Angeles areas in California, and that there is no known problems that have been identified with use in these areas.

Wetlands/Stream Crossings:

There is one stream crossing (Whispering Pines crossing for the Shade Pipeline). There are no other wetlands or surface waters. Use of the unknown aquifer is unlikely due to past coal operations in the area.

Limited Exposure to Local Residents:

Much of the pipeline route is in unpopulated areas that are unlikely to be developed for residential use. The Fiberspar piping is predominantly in Class 1 locations with some minor Class 2 locations. The Class 2 rural housing occurs at Shade and Southern Alleghenies Pipelines. The absence of current, and likely future residents along much of the route, make it highly likely that the current Class designation will be maintained for a long timeframe. As such, risks to humans will be much lower.

Johnstown Regional Energy, LLC

Verified Statement

Proposed Testing/Analysis Protocol

Attachment G

Johnstown Regional Energy, LLC

Verified Statement

Proposed Testing/Analysis Protocol

Attachment G

The proposed testing/analysis protocol provides a basis to evaluate and confirm safe operations of the JRE pipeline by combining intervals of destructive tests.

Proposed testing/analysis protocol

This testing protocol will commence before the end of 2015, with steps 1-4 below completed prior to December 31, 2015.

Initial set-up and first test:

1. Remove 220 ft of active Fiberspar pipe from each of two segments of the existing system (1 segment at Raeger and 1 segment at Shade/Southern) (collectively, the "Sacrificial Leg Segments").

2. Replace the removed Sacrificial Leg Segments with 220 ft of new steel pipe to support current MAOP.

3. Cut a 20 ft section of original Fiberspar pipe from each of the Sacrificial Leg Segments (i.e., 1 section at Raeger and 1 section at Shade/Southern) and forward to manufacturer for destructive testing as per the prior Nisource Dundee protocol. Independent verification of test results will be provided and results will be provided to PAPUC.

4. Reinstall the remaining 200 ft of removed Fiberspar pipe in the Sacrificial Leg Segments in a sacrificial leg configuration (Attachment G-1) and submit this sacrificial leg piping to same conditions as the remaining Fiberspar pipeline, which shall include the same gas same pressure and same temperature.

Periodic testing:

5. At a period 3 years after the initial destructive test (i.e., in 2018), conduct a second destructive test by removing 20 ft from the Sacrificial Leg Segments (i.e., 1 section at Raeger and 1 section at Shade/Southern) using same procedures as the first destructive test (items 1 to 4 above).

6. At another period of two years (i.e., in 2020) repeat step 5 and conduct a third destructive test by removing 20 ft from the Sacrificial Leg Segments (i.e., 1 section at Raeger and 1

section at Shade/Southern) using same procedures as the first destructive test (items 1 to 4 above).

7. Following the review of the results of the third destructive test, the results of the tests will be evaluated by JRE and PA PUC to determine the long term effects of the operations on the pipe and whether future testing requirements should be revised. (Absent a determination to modify the testing schedule, destructive testing as noted above would continue at periods of 3 years each, as described in step 6 above, until Fiberspar pipeline is retired.)

Analysis of Tests:

8. Fiberspar pipe testing will be deemed unsuccessful if a destructive test reveals a burst pressure that is less than two times the established MAOP for the pipeline. In such an instance, the Company should notify the PUC immediately and can elect to lower the MAOP to a level that satisfies the thresholds above, or explore alternative remediation measures with the PUC.

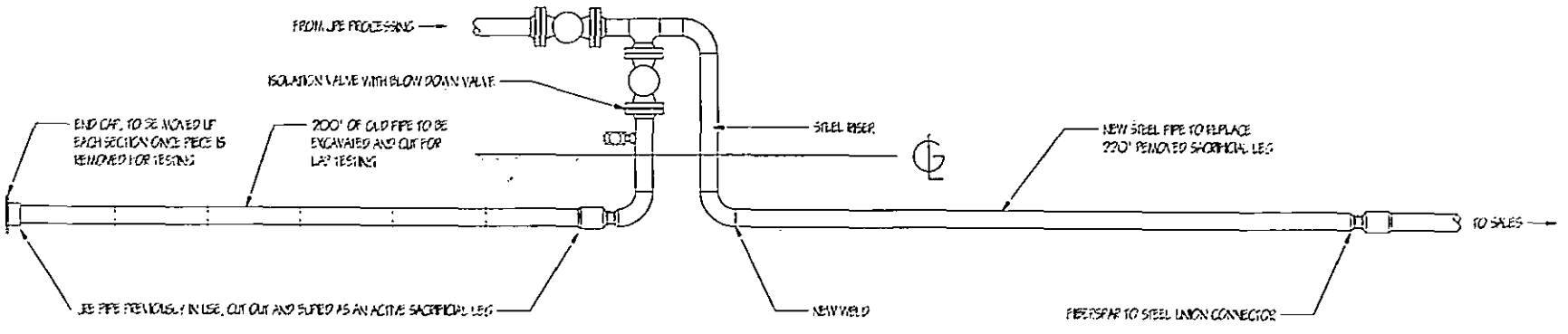
Leak Patrols in Class 2 Areas:

9. The frequency of leak patrols in Class 2 areas of Fiberspar piping will be doubled until the Fiberspar piping in said areas is retired.

I, **William E. Roach, P.E.**, state that I am the President and Registered Professional Engineer for **Roach and Associates, Inc.** and that as such I am authorized to make this verification on its behalf. I hereby state that the facts contained in the foregoing document are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

William E. Roach, P.E
President
Roach and Associates, Inc.

Attachment G-1



IF TEST BRANCH CAN BE TEED ABOVE GROUND

Johnstown Regional Energy, LLC

Technical Specifications for Fiberspar Piping

Attachment I

Johnstown Regional Energy, LLC

Technical Specifications for Fiberspar Piping

Attachment I

Summary of Technical Specifications

The Fiberspar LinePipe meets American Petroleum Institute RP 15S, Canadian regulation CSA Z662, Mexican Specification NRF 185, along with other industry accepted standards.

Fiberspar LinePipe is available in North America in nominal sizes between 2 1/2" and 6" with pressure ratings between 750 psi and 2,500 psi in continuous lengths of up to 27,000 ft (8.2 km). Over the last ten years, LinePipe has been used in a variety of oilfield applications. Fiberspar LinePipe is used as oil/gas/water flowlines and transmission lines, water injection/disposal lines, CO2 injections lines, H2S service, as well as other fluid and service conditions.

The recommended operating conditions for Fiberspar LinePipe are determined using ASTM, API, and other industry accepted standards for thermoset and plastic pipes. This testing includes long term exposures at temperatures and pressures that exceed the intended operating parameters for Fiberspar LinePipe when in service.

Fiberspar LinePipe has a minimum operating temperature of -29° F and a maximum operating temperature of 140° F. The gas input to the lines will have a maximum temperature of about 140° F, but this temperature will drop rapidly to ambient soil temperatures. The pipe will be buried at a depth of 4 to 5 feet, and ambient soil temperatures are expected to range from a low of about 20 to 25° F during the late winter to about 50 to 55° F.

Fiberspar's pipe-to-pipe connector is a full-strength connection used to join two lengths of LinePipe. The pipe-to-pipe design is similar to the service end, except a double seal carrier and two individual slips are used. The tensile and burst properties of the Fiberspar connection exceed the strength of the pipe itself. All qualification and quality tests required by CSA Z662 API 15 HR, API 15 S and ASTM D2996 are conducted for the Fiberspar LinePipe connectors. Stainless steel connectors will used for the proposed installation. In wetland areas where the pipe will be buried below the water level, the connectors will be wrapped with a corrosion tape for added protection.

The Fiberspar LinePipe can be pigged using either maintenance or smart pigs. Due to the non-conductive nature of this pipe, the general smart pigs will not provide the full spectrum of data as they would in steel pipe. However, with the increasingly more sophisticated smart pigs, they will provide the data indication for most if not all of the possible failure modes this pipe will experience in its life span if it ever happens. In addition, since this pipe is not corrodible and the long term degradation of the pipe under operating pressure and temperature is tested via ASTM D2992, most of the smart pig data routinely required for steel pipe is not necessary.

Additional details for the Fiberspar LinePipe can also be obtained from:

Christopher E. Makselon, P.E.
VP of Engineering
Fiberspar LinePipe LLC
12239 FM 529
Houston, TX 77041 USA

Johnstown Regional Energy, LLC

Proposed Limitations and Conditions for Continued Operations of Fiberspar Piping by JRE

Attachment J

Johnstown Regional Energy, LLC

Proposed Limitations and Conditions for Continued Operations of Fiberspar Piping by JRE

Attachment J

1. The use of Fiberspar is limited to the Raeger, Shade and Southern Alleghenies Pipelines in Cambria and Somerset Counties by Johnstown Regional Energy, LLC ("JRE"). This waiver will continue in effect until the Fiberspar pipeline is retired.

2. JRE will apply this waiver to Raeger, Shade and Southern Alleghenies Pipelines as stated in the Petition for Waiver.

3. JRE will notify the Commission's Gas Safety Division ("GSD") of a class location change that would result in the Transmission line being subject to the requirements of 49 CFR § 192.625(b).

4. Fiberspar is being used in Class 1 and Class 2 locations.

5. JRE shall notify the GSD if: any repairs or modifications to the Fiberspar pipe or fittings are required; or the Fiberspar segments are at any time damaged or unintentionally struck.

6. JRE shall schedule and perform (a) increased frequency of leak patrols in Class 2 areas and (b) pressure and destructive tests as described in the testing/analysis protocol set forth in the Petition to confirm safe operation at the appropriate Maximum Allowable Operating Pressure.

7. JRE will notify the GSD of the results of the patrols and tests conducted as required by Condition No. 6.

8. If the tests required by Condition No. 6 determine that the Fiberpsar pipe material is no longer suited for service as described in this application, based on the criteria in the testing/analysis protocol described in Attachment G, JRE will take appropriate remedial action.

9. JRE shall treat the pipeline that is subject to the waiver as if it is a "covered" segment and shall follow an Integrity Management Plan consistent with 49 CFR, Subpart O. JRE shall include its Integrity Management Plan in its Operations & Maintenance Manual. JRE shall maintain measures for monitoring operations and implementing appropriate remedial actions if the safety or integrity of the pipeline is threatened.

10. JRE shall incorporate the relevant best practices of the Common Ground Alliance into its damage prevention program, including pipeline marking and right-of-way management. JRE shall document findings from all patrols and all required remediation.

11. JRE shall require personnel involved in the construction or repair of the pipe to be qualified in these tasks with necessary emphasis given to procedures unique to the Fiberspar pipe material. JRE shall treat such tasks as "covered tasks" and comply with Operator Qualification requirements of 49 CFR, Subpart N.

12. JRE itself or as part of a teaming arrangement with its third-party consultants shall have access to tools, fittings and materials for operational maintenance and emergency repairs of the Fiberspar pipeline.

13. JRE will develop pipe repair criteria and document them in its Operations & Maintenance Manual.

14. JRE shall file a copy of the waiver and any final Orders issued by PHMSA in this docket.

15. If JRE does not comply with any of these requirements, the Commission reserves the right to terminate this waiver.

Johnstown Regional Energy, LLC

Verified Statement

Certification

Attachment H

Johnstown Regional Energy, LLC

Verified Statement

Certification

Attachment H

I am familiar with the Reager Pipeline, the Shade Pipeline and the Southern Alleghenies Pipeline operated by Johnstown Regional Energy, LLC ("JRE" or "Petitioner") in Cambria and Somerset Counties, Pennsylvania.

I certify that operation of the Reager Pipeline, the Shade Pipeline and the Southern Alleghenies Pipeline under the requested waiver (or special permit) would not be inconsistent with pipeline safety – so long as those pipelines are operated and maintained by JRE in accordance with PHMSA's requirements for jurisdictional transmission pipelines (as modified by the requested waiver) and relevant manufacturer's specifications.

I, **William E. Roach, P.E.,** state that I am the President and Registered Professional Engineer **for Roach and Associates, Inc.** and that as such I am authorized to make this verification on its behalf. I hereby state that the facts contained in the foregoing document are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

William E. Roach, P.E
President
Roach and Associates, Inc.