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April 10, 2022

Secretary Bureau
Pennsylvania PUC
Commonwealth Keystone Building - 2nd Floor
400 North Street
Harrisburg PA 17120

Tom Shepstone, Shepstone Management Company, Inc.
Public Comment: Pennsylvania Public Utility Commission's Possible Pipeline Regulation Enhancements

For docket: L-2019-3010267

Pennsylvania Public Utility Commission:

These proposed regulations, by adding even more stringent requirements on top of Federal rules already incorporated into Pennsylvania's pipeline regulatory system, will smother our ability to get natural gas to market with no rewards in terms of safety.

Pennsylvania already complies with the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations, which are especially rigorous. Adding even greater requirements on developers will clearly discourage investment in essential infrastructure at the behest of those who would destroy the oil and gas industry that has been so good to Pennsylvania. These new regulations are a surrender to environmental extremist groups such as the Clean Air Council, who are funded by private tax-exempt foundations engaged in politics (e.g., the Heinz Endowments, the William Penn Foundation) and whose goals are de-growth and anti-development in nature.

Ironically, though, these regulations are likely to undermine, rather than enhance, the regulatory process. They are adding layers of bureaucracy, complications, conflicts and redundancies. The result will only be more delays and more terrible decisions such as those that forced the Mariner East developer to utilize other than the industry best management practices, only to see failures and be forced to go back to those practices as a solution to correct what was a government created problem. As I stated in earlier comment, "there is also little to no evidence that adding more rules and regulations will improve the safety of pipeline construction or operations."

Indeed, these proposed regulations are overkill by any measure. Consider the following three examples, of which there are many more:

1. A new Section 59.135 of the Commission's proposed regulations requires hazardous liquid public utilities to notify the Pipeline Safety Section of "maintenance, verification digs, and assessments

involving an expenditure in excess of \$50,000, and the unearthing of suspected leaks, dents, pipe ovality features, cracks, gouges or corrosion anomalies, or other suspected metal losses ... **10 days prior to commencement.**" *This is completely counterproductive, as it would only unnecessarily delay immediate responses to suspected problems so as to notify a bureaucracy with nothing to offer in the way of assistance.*

2. Section 59.142 of the Commission's proposed regulations requires land agents to hold a valid Pennsylvania professional license as an attorney, real estate salesperson, real estate broker, **professional engineer, professional land surveyor, or professional geologist** during the performance of land agent work or services. This requirement will supposedly "prevent hazardous liquid public utilities from employing or contracting individuals who are not properly qualified to act as a land agent and provide additional accountability in the performance of land agent work or services." *This puts the PUC in the business of regulating matters far beyond its expertise and having nothing to do with safety. It is simply more bureaucracy. Moreover, why should a geologist be able to negotiate an easement but a knowledgeable title not be entitled to do so?*
3. Section 59.138 of the Commission's proposed regulations require hazardous liquid public utilities using HDD or TT for construction or operation and maintenance activities to **consider geological and environmental impacts and to comply with DEP Trenchless Technology Technical Guidance**. For example, this subsection requires a hazardous liquid public utility to, inter alia, conduct a geotechnical evaluation of subsurface conditions along a pipeline facility and conduct geological sampling at locations where suspected anomalous conditions are identified through geophysics, including post-construction geophysics. Subsection (c) also requires the hazardous liquid public utility to provide information, including geotechnical reports, regarding HDD or TT to the Commission's Pipeline Safety Section upon request. *These provisions are duplicative of DEP requirements that created so much trouble with Mariner East. The DEP standards proved to be problematic as the developer had predicted forcing a return to the approach the developer had originally suggested. Are we now to have a second agency involved to complicate the matter even further? Nothing good can come from involving more bureaucrats in engineering.*

Shale oil, natural gas and natural gas liquids development is absolutely critical to our state's economic and its energy security. The Russian attack on Ukraine has taught us all just how important this energy security really is. It depends on a comprehensive pipeline network to safely and efficiently transport products **that don't have to be secured from other nations or states**. It's time to build more pipelines and stop harassing their development in a futile attempt to appease fractivists and others opposed to all oil and gas development.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas J. Shepstone', written in a cursive style.

THOMAS J. SHEPSTONE