

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
THE GAS COMPANY, LLC)
For Approval to Commit Funds in)
Excess of \$500,000 to Comply with)
the Pipeline Safety Improvement Act))
of 2002 and the New Federal)
Pipeline Integrity Management)
Regulations at 49 CFR Part 192,)
Subpart O.)

DOCKET NO. 2006-0402

ORDER NO. 23243

RECEIVED
2007 FEB - 6 A 8:50
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed Feb. 5, 2007
At 12 o'clock P.M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

Karen Higashi

By Decision and Order No. 23174, the commission approved the Application, with certain regulatory conditions. Among other things, in ordering paragraph no. 3 of the decision and order, the commission stated that "TGC shall file copies of . . . the semi-annual performance reports required by 49 CFR § 192.945 with the commission and the Consumer Advocate ("Ordering Paragraph No. 3").

On January 18, 2007, TGC filed a letter requesting clarification of Ordering Paragraph No. 3 in Decision and Order No. 23174 ("Request for Clarification"). TGC informs the commission that since the commission issued Decision and Order No. 23174, it has come to TGC's attention that the semi-annual performance reports ("Performance Reports") referenced in Ordering Paragraph No. 3 are compiled and published annually for public review by the United States Department of Transportation's Office of Pipeline Safety ("OPS"). Accordingly, TGC requests clarification from the commission as to whether the availability of the semi-annual report compilations on-line is sufficient to demonstrate TGC's compliance with Ordering Paragraph No. 3. TGC represents that in light of the information regarding the public availability of the Performance Reports, the Consumer Advocate "does not want or need TGC either to file hard copies of its semiannual performance reports as they are electronically filed with OPS, or to send

§ 6-61-62. No persons moved to intervene or participate in this proceeding.

email links to the TGC-specific report compilation when it is published by OPS."²

Having reviewed TGC's Request for Clarification, the commission finds that clarification of Ordering Paragraph No. 3 of Decision and Order No. 23174 is warranted. The commission notes that the Consumer Advocate recommended that copies of the Performance Reports be filed with the commission and the Consumer Advocate to aid in their review of TGC's compliance with OPS standards.³ The availability of the Performance Reports on the OPS website for public review meets the spirit of the requirement set forth in Ordering Paragraph No. 3. Accordingly, the commission finds it reasonable to grant TGC's Request for Clarification and amend Ordering Paragraph No. 3 to read as follows:

3. TGC shall file copies of its initial PIM Plan and the semi-annual performance reports required by 49 CFR § 192.945 with the commission and the Consumer Advocate, unless they are publicly available online at the website of the United States Department of Transportation's Office of Pipeline Safety.

II.

Orders

THE COMMISSION ORDERS:

1. TGC's Request for Clarification, filed on January 18, 2007, is granted.

²Request for Clarification at 1.

³See the Consumer Advocate's Statement of Position, filed in this docket on December 21, 2006, at 13.

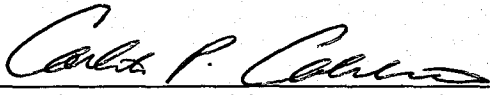
2. Ordering Paragraph No. 3 of Decision and Order No. 23174 is amended to read as follows:

3. TGC shall file copies of its initial PIM Plan and the semi-annual performance reports required by 49 CFR § 192.945 with the commission and the Consumer Advocate, unless they are publicly available online at the website of the United States Department of Transportation's Office of Pipeline Safety.

3. In all other respects, Decision and Order No. 23174 remains unchanged.

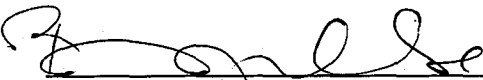
DONE at Honolulu, Hawaii FEB - 5 2007.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
John E. Cole, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

2006-0402.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23243 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DATED: FEB - 5 2007