

MLGW

MEMPHIS LIGHT, GAS AND WATER DIVISION

RECEIVED

2010 MAY 18 AM 9:20

U.R.A. DOCKET ROOM

May 17, 2010

VIA FedEx

Sharla Dillon, Dockets and Records Manager
460 James Robertson Parkway
Nashville, Tennessee 37243

Re: Petition for Memphis Light, Gas and Water for
A Wavier to Permit the Continued Use of Plastic
Piping, Which is in Service and Had a Storage Period
In Excess of Two Years Prior to Installation
Docket No. 08-00124

Dear Ms. Dillon:

Please find enclosed an original and four (4) copies of the Affidavit of Brent E. Haywood regarding the publication and posting of notice in the above captioned matter. We ask that this be filed in the above action.

If you have any questions, please feel free to contact me at (901) 528-4343.

Sincerely,



Fred E Jones, Jr.

Staff Attorney

FEJ/fj

Attachment

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:


**PETITION OF MEMPHIS LIGHT,)
GAS AND WATER FOR A WAIVER)
TO PERMIT THE CONTINUED USE)
OF PLASTIC PIPING WHICH IS IN)
SERVICE AND HAD A STORAGE)
PERIOD IN EXCESS OF TWO)
YEARS PRIOR TO INSTILLATION)**

DOCKET NO. 08-00124

AFFIDAVIT

I, BRENT E. HAYWOOD, being duly sworn, do hereby affirm the following:

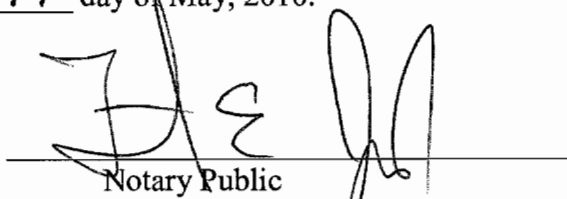
1. I am Manager of Gas Engineering and Operations for Memphis Light, Gas and Water.
2. As Manager of Gas Engineering and Operations, I am responsible for managing and coordinating all engineering functions for the distribution of natural gas to the company's customers.
3. On May 11, 2010, I had delivered to a newspaper of general circulation in Memphis Light, Gas and Water 's service territory within the State of Tennessee a copy of the Notice Rescheduling Hearing in the referenced docket that was provided to me by the Tennessee Regulatory Authority. The notice was sent to the Dailey News for publication on May 14, 2010. On that same day said notice was posted in Memphis Light, Gas and Water's main office at 220 S. Main Street, Memphis, Tennessee. A copy of said notice and its proof of publication is attached to this Affidavit.
4. I am giving this Affidavit for the purpose of demonstrating that proper notice to the public was given as to the public hearing of the Tennessee Regulatory Authority at which the issue of the request for waiver of § 192.7, Appendix B of Title 49 Code of Federal Regulation and ASTM D 2513 would be considered.



Brent E. Haywood
Manager of Gas of Engineering
and Operations
Memphis Light, Gas and Water

Sworn to and subscribed before me this the 17 day of May, 2010.




Notary Public

My Commission Expires: November 9, 2011 **MY COMMISSION EXPIRES:**
November 9, 2011

PROOF OF PUBLICATION

COST OF PUBLICATION

Total \$67.50

**NOTICE RESCHEDULING HEARING
IN RE: Application of Memphis Light
Gas and Water a Division of the
City of Memphis for a Waiver with
Respect to 49 CFR Part 192.7, Ap-
pendix B, and ASTM D 2513**

DOCKET NO: 08-00124

DATE: April 23, 2010

The Tennessee Regulatory Authority (Authority) has **rescheduled** the public hearing in the above-captioned proceeding that was previously scheduled to commence on Monday, March 22, 2010, during the regularly scheduled Authority Conference. The public hearing will now be held during the Authority Conference, which is scheduled to be at **1:00 p.m. on Monday, May 24, 2010** in the Hearing Room on the Ground Floor at 460 James Robertson Parkway, Nashville, Tennessee. This matter will be heard by the voting panel of Chairman Sara Kyle, Director Kenneth C. Hill and Director Mary W. Freeman and will be conducted in accordance with the Tennessee Uniform Administrative Procedures Act, Tenn. Code Ann. §4-5-101 et. seq. All parties are entitled to be represented by counsel.

The Hearing is being held for the purpose of considering the request of Memphis Light Gas and Water a division of the City of Memphis (MLGW) for a waiver from certain Minimum Federal Safety Standards (MFSS) to permit MLGW to continue the use, in its operations, of polyethylene pipe that has an unprotected storage period in excess of two years prior to installation. Specifically, MLGW seeks a waiver from the requirements of 49 C.F.R. § 192.7, Appendix B and American Society of Testing and Materials (ASTM) D 2513 which established certain outdoor storage limitations and safeguards with respect to polyethylene pipe used in gas distribution systems.

Participants with disabilities who require special accommodations or alternate communications formats should contact the Tennessee Regulatory Authority ADA-EEO/AA Coordinator/Officer at 460 James Robertson Parkway, Nashville, Tennessee 37243-0505, 1-800-342-8359 or TDD (615) 741-3930, so that reasonable accommodations can be made.

FOR THE TENNESSEE REGULATORY
AUTHORITY:

Richard Collier, General Counsel
May 14, 2010 FF78550

PERSONALLY appeared before me, **Pamela Mallett**, Notary Public of Shelby County, Tennessee, appeared **Amaris Wiggins** who being first duly sworn, made oath that she is the **Administrative Assistant** of THE DAILY NEWS PUBLISHING COMPANY, the Publisher of THE DAILY NEWS, a daily newspaper of general circulation, printed in the City of Memphis, County of Shelby and State of Tennessee and distributed throughout Shelby and Fayette counties in Tennessee, and states that the hereto attached publication appeared in THE DAILY NEWS on the following dates:

May 14, 2010

THE DAILY NEWS PUBLISHING COMPANY

By: *Amaris Wiggins*
Amaris Wiggins, Administrative Assistant

STATE OF TENNESSEE
COUNTY OF SHELBY

On this 14th day of May 2010 before me appeared **Amaris Wiggins**, to me personally known (or proved to me on the basis of satisfactory evidence), who, being by me duly sworn did say that she is the president (or other officer or agent of the corporation or association) of the Daily News Publishing Company, that the instrument was signed and sealed in behalf of the corporation (or association), by authority of its Board of Directors and **Amaris Wiggins** acknowledged the instrument to be the free act and deed of the corporation (or association) and that the corporation has no corporate seal.

WITNESS my hand and Official Seal at office this
14th Day of May 2010.

Pamela L. Mallett
Notary Public

