

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

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IN RE:

SHOW CAUSE PROCEEDING AGAINST CITY OF  
CLARKSVILLE, TENNESSEE FOR VIOLATIONS  
OF THE TPUC GAS PIPELINE SAFETY RULES,  
APPLICABLE FEDERAL SAFETY REGULATIONS  
AND LAW AND FOR FAILURE TO COMPLY  
WITH SETTLEMENT AGREEMENT

DOCKET NO.  
17-00139

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**JOINT PETITION REQUESTING APPROVAL OF SETTLEMENT AGREEMENT**

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In order to bring this matter to a conclusion, the Director of the Gas Pipeline Safety Division ("GPSD", "Party Staff") of the Tennessee Public Utility Commission ("Commission" or "TPUC") and the City of Clarksville, Tennessee ("City") have agreed to certain terms and conditions to resolve this matter filed in a Settlement Agreement on December 7, 2018.. The Party Staff and the City jointly request Commission approval of this Settlement Agreement.

**BACKGROUND**

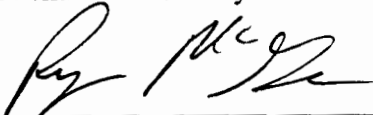
GPSD is responsible for enforcement of state and federal pipeline safety requirements pursuant to the Commission's jurisdiction under Tenn. Code Ann. § 65-28-106. The City is an operator within the Commission's pipeline safety jurisdiction. Following an inspection by GPSD personnel on December 1-3, 2015, GPSD issued Safety Inspection Evaluation # 15-168 on January 11, 2016, citing the Company for violations of state and federal pipeline safety standards, including a failure to comply with 49 CFR 192.747 concerning specific requirements for leakage surveys and documentation of leakage surveys. GPSD assessed a civil penalty against the Company for the violations.

Pursuant to Tenn. Rules & Regs 1220-4-5-.47(6)(a) and (b), the Company was provided an opportunity to respond to Safety Inspection Evaluation #15-168 and to meet with the Director of GPSD to resolve the violations in an informal meeting on April 7, 2016. A resolution was reached. As part of a settlement in lieu of a civil penalty, the City agreed to a series of actions, including the documentation and completion of a leakage survey of the City's complete system with a deadline of August 1, 2017.

Following an inspection on August 1, 2017, GPSD determined the City failed to complete the agreed upon survey and provide supporting documentation. The City disputed the survey the City performed breached the terms of the settlement agreement between GPSD and the City. The Party Staff requested the opening of a show-cause docket.<sup>1</sup> A docket was opened by the Commission and a Hearing Officer was appointed to determine whether a Show Cause proceeding should be initiated against the Company.<sup>2</sup> Subsequent discussions between the Director of GPSD and the City have resulted in an agreement to resolve the leakage survey violation stemming from Safety Inspection Evaluation # 15-168.

The parties jointly request the approval of the Settlement Agreement filed on December 7, 2018.

On behalf of the Party Staff:

  
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Ryan McGehee B.P.R. # 025559  
Party Staff Attorney  
Tennessee Public Service Commission  
502 Andrew Jackson Building  
4<sup>th</sup> Floor  
Nashville, TN 37243

Date: 12-7-18

<sup>1</sup> *Party Staff Memorandum* (December 1, 2017).

<sup>2</sup> *Order Appointing Hearing Officer* (December 15, 2017).

On behalf of the City of Clarksville:

*W/ Permission  
RLM*



Date: 2-7-18

Melvin J. Malone, Esq. B.P.R. #013784  
Butler Snow  
150 3<sup>rd</sup> Avenue South  
Suite 1600  
Nashville, TN 37201

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing document has been served by electronic mail, postage pre-paid U.S. first-class mail, and/or delivering a copy by hand, upon the following person(s):

Melvin J. Malone, Esq.  
Butler Snow  
150 3<sup>rd</sup> Avenue South  
Suite 1600  
Nashville, TN 37201

On this the 7<sup>th</sup> day of December, 2018



Ryan L. McGehee