

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: ENVIROGAS LP	DOCKET NO. P-861
----------------------------	------------------

ORDER ASSIGNING TO PRESIDING OFFICER

(Issued September 9, 2005)

On May 25, 2005, EnviroGas LP (EnviroGas) filed with the Utilities Board (Board) a petition for a pipeline permit to allow EnviroGas to construct, maintain, and operate 1.201 miles of 12-inch diameter and 0.425 miles of 8-inch diameter natural gas pipeline in Linn County, Iowa. The proposed pipeline would transport flammable landfill gas from the Bluestem Solid Waste Landfill in Cedar Rapids, Iowa, to an industrial end-user, Penford Products Company.

Board staff reviewed the petition, notified EnviroGas of deficiencies in the petition, and requested additional information in letters dated June 3, 2005, and July 6, 2005. On June 21, 2005, and August 16, 2005, EnviroGas filed revisions to the petition and provided additional information. On September 1, 2005, Board staff filed a report addressing the petition. In the report, staff requested that EnviroGas be required to file a corrected petition exhibit and provide additional information in prefiled testimony or at the hearing as follows:

1. Correct the maximum allowable operating pressure of the pipeline in Petition Exhibit C;

2. Provide additional information concerning the solvency and financial ability of EnviroGas to pay damages pursuant to 199 IAC 10.2(1)"d" and Iowa Code § 479.26;

3. Provide additional information to show that EnviroGas has the necessary "consent or other showing of right" from the City of Cedar Rapids to construct the 0.425 mile of 8-inch section as required by 199 IAC 10.2(1)"e";

4. Provide additional information to show EnviroGas has met the requirements for a damage claim statement set forth in 199 IAC 10.2(3) and Iowa Code § 479.43;

5. Provide additional information concerning EnviroGas' arrangement to purchase gas from the Bluestem Solid Waste Landfill;

6. Provide additional information regarding Stevens Drilling and Environmental's qualifications to install pipelines pursuant to 49 CFR Part 192;

7. Provide additional information concerning the skill, knowledge, and ability of Stevens Drilling and Environmental to operate and maintain a gas pipeline in compliance with 49 CFR Parts 192 and 199;

8. Provide additional information regarding how EnviroGas will comply with the public education program requirements, pipeline integrity management program, and annual and incident report requirements pursuant to 49 CFR Part 192;

9. Provide additional information concerning local presence and availability in the event of leak or emergency situations; and,

10. Provide additional information regarding compliance with Iowa Code chapter 480.

Iowa Code § 479.7 (2005) requires the Board to set a hearing in a pipeline proceeding upon the filing of a petition. The Board finds that the petition, as revised, sufficiently meets the Board's filing requirements and the Board will assign Docket No. P-861 to a presiding officer to establish a procedural schedule and conduct a hearing. The inspection report filed by Board staff recommends EnviroGas provide additional information as described above in prefiled testimony or at the hearing. The presiding officer should review these recommendations and take the appropriate action.

IT IS THEREFORE ORDERED:

Docket No. P-861 is assigned to a presiding officer to establish a procedural schedule and exercise the authority provided in 199 IAC 7.1(4).

UTILITIES BOARD

/s/ John R. Norris

/s/ Diane Munns

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 9th day of September, 2005.