



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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FILING & RESOURCES Issues, Laws, & Regulations Act 127 (Pipeline Act)

Act 127 (Pipeline Act)

The Gas and Hazardous Liquids Pipelines Act (also known as "the Pipeline Act" or Act 127 of 2011) was signed by Governor Corbett on Dec. 22, 2011 and goes into effect on Feb. 20, 2012. This law expands the Commission's authority to enforce federal pipeline safety laws as they relate to gas and hazardous liquids pipeline equipment and facilities within the Commonwealth of Pennsylvania. The Pipeline Act requires the Commission to develop and maintain a registry of pipeline operators within Pennsylvania. The Commission will recover the costs of this program by assessments on pipeline operators based on the total intrastate regulated transmission, regulated distribution and regulated onshore gathering pipeline miles in operation for the transportation of gas and hazardous liquids in Pennsylvania during the prior calendar year.

For questions about the PUC's implementation efforts or to be placed on a distribution list regarding these efforts, please send an email to ra-Act127@pa.gov.

Final Order– On June 7, 2012, the Commission adopted the Final Order that clarifies that transmission pipelines and pipeline facilities in Class 1 locations are subject to federal pipeline safety laws and therefore are within the jurisdiction of the Commission under Act 127. Docket No. M-2012-2282031.

Implementation Order– On Feb. 16, 2012, the PUC adopted an Implementation Order at Docket M-2012-2282031. It establishes the Act 127 initiatives of creating a statewide registry for non-public utility gas and hazardous liquids pipeline equipment and facilities within the Commonwealth; conducting safety inspections to enforce Federal pipeline safety laws on certain classifications of pipeline; and assessing entities for the costs. Below are links to the forms from the Implementation Order and instructions on how to file the forms:

[Instructions to File Pipeline Operator Annual Registration Form](#)

[Pennsylvania Pipeline Operator Annual Registration Form](#)

[Attachment A - Hazardous Liquids Pipeline County Location](#)

[Attachment B - Natural Gas Pipeline County Location & Mileage](#)

[Attachment C - Country of Manufacture Form](#)

Filing of paper documents should follow the Commission's formal rules at [52 Pa. Code Section 1.1 et seq.](#) When filing documents the docket number must be listed. Documents sent to ra-act127@pa.gov may not be considered by the Commission as part of the proceedings.

eFiling Tutorial- The PUC has prepared an eFiling PowerPoint presentation for stakeholders to explain how to eFile documents with the Commission.

Frequently Asked Questions

FAQs - The PUC has prepared a list of frequently asked questions on Act 127 to assist interested parties.

Pipeline Operators Registry

Registry of Pipeline Operators - To view the list of pipeline operators registered under Act 127, please go to the [Search Public Documents](#) page and select "Pipeline Operator Registration Form" from the "Utility Type" pull down menu, then click the "Search for Documents" button.

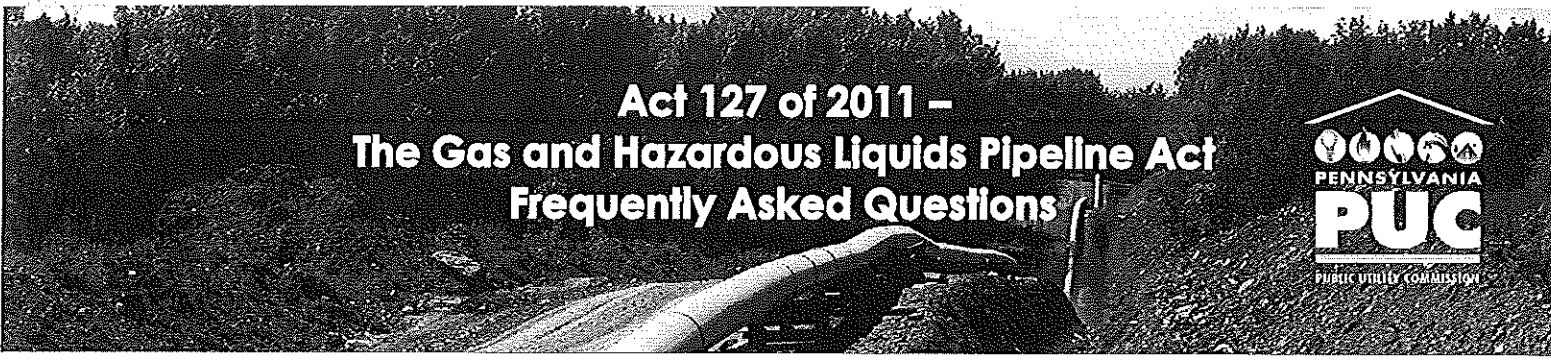
Teleconference Questions & Answers - January 24, 2012

Questions & Answers Sheet - From the Teleconference on Jan. 24, 2012, a list of the questions and answers regarding Act 127.

- [Proposed Rulemaking Order](#)
- [Advanced Metering](#)
- [Demand Side Response](#)
- [Electronic Data Exchange](#)
- [Chapter 56: Notice of Proposed Rulemaking](#)
- [Summaries of PUC Court Decisions](#)
- [Rules Governing Termination/ Reconnections/ Payments/ Cash Deposits](#)
- [Right-to-Know](#)
- [Regulatory Information](#)
- [Act 129 Information](#)
- [Act 127 \(Pipeline Act\)](#)
- [System Improvement Charges Act 11](#)
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Act 127 of 2011 – The Gas and Hazardous Liquids Pipeline Act Frequently Asked Questions



1. WHAT IS ACT 127 – THE PIPELINE ACT?

Signed into law Dec. 22, 2011, the Gas and Hazardous Liquids Pipelines Act expands the Pennsylvania Public Utility Commission's (PUC) authority to enforce the federal pipeline safety laws as they relate to non-public utility gas and hazardous liquids pipeline equipment and facilities within the state.

2. WHEN DOES THE PIPELINE ACT TAKE EFFECT?

Feb. 20, 2012

3. WHY WAS THE PUC CHARGED WITH ENFORCING THE PIPELINE ACT?

The PUC is an agent for the federal Department of Transportation's Office of Pipeline and Hazardous Materials Safety Administration, charged with enforcing the federal pipeline safety regulations in Pennsylvania. The Governor and the Legislature decided that as such, the PUC should take on this additional responsibility and expanded the PUC's oversight.

4. WHAT WILL PUC ENFORCEMENT INCLUDE?

The PUC already monitors compliance with federal and state regulations by conducting frequent inspections of pipeline facilities and records of regulated gas utilities. More than 45 different types of inspections are included in the PUC's monitoring of natural gas companies and their pipeline safety. The inspections of these newly regulated facilities will be similar.

Under the Pipeline Act, the PUC will develop a registry and conduct safety inspections of the lines for all "pipeline operators" in the state. The Commission also will identify and track the development of pipelines in less populated areas that transport gas from unconventional gas wells.

5. TO WHOM DO THE PROVISIONS IN ACT 127 APPLY?

Any entity who owns or operates equipment or facilities within the Commonwealth for the transportation of gas or hazardous liquids by pipeline or pipeline facility regulated under federal pipeline safety laws.

6. WHAT IS CONSIDERED A PIPELINE OPERATOR UNDER ACT 127?

Pipeline operators include: Companies engaged in the gathering, transportation or distribution of natural gas or hazardous liquids.

These include gathering companies; midstream companies; pipeline companies; gas distribution systems that are not public utilities (cooperatives, municipalities, and municipal authorities); master meter systems that provide service to property owned by third parties; and propane distribution systems subject to the federal pipeline safety laws.

7. WHAT IS NOT CONSIDERED A PIPELINE OPERATOR UNDER ACT 127?

Those who are not pipeline operators include: Public utilities and city natural gas distribution operations, ultimate consumers who own service lines on their real property (including master meter systems serving their own property), and pipelines subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission (FERC).

A petroleum gas distributor who is not subject to the federal pipeline safety laws also is not considered a pipeline operator under the Pipeline Safety Act. Petroleum gas pipelines subject to the federal pipeline safety laws are pipeline operators subject to Act 127 and must register with the Commission. However, such entities can use proof of registration with Pennsylvania Department of Labor and Industry (L&I) to do so.

8. WHAT IF MY ENTITY HAS PORTIONS THAT ARE COVERED UNDER ACT 127 AND PORTIONS THAT ARE NOT?

If a person operates multiple facilities, some of which are subject to Act 127 and some of which are not, the person is a pipeline operator only with regard to the facilities subject to Act 127. For example, a person who operates a FERC jurisdictional transmission pipeline facility in addition to non-FERC jurisdictional gathering lines is a pipeline operator only with regard to the non-FERC jurisdictional gathering lines.

9. WHAT INFORMATION IS INCLUDED IN THE REGISTRY?

The registration, which is required to be filed and renewed annually, will include the location of the pipeline by class and approximate aggregate miles of pipeline serving unconventional wells.

Registrants must provide contact information, U.S. Department of Transportation (U.S. DOT) Operator ID number and federal employee identification number. The registry will be organized by U.S. DOT Operator ID numbers.

Registrants also must provide the country of manufacture for all tubular steel product installed in Pennsylvania for the exploration, gathering or transportation of natural gas or hazardous liquids during the prior calendar year.

10. WHAT IF MY ENTITY HAS MORE THAN ONE U.S. DOT OPERATOR ID NUMBER?

An entity with multiple U.S. DOT Operator ID numbers must register each U.S. DOT Operator ID number as a separate pipeline operator.

11. WHAT IS THE REGISTRATION FEE?

The registration fee is \$250 to be paid annually to the PUC. This does not include additional money assessed by the Commission to perform its duties under Act 127.

12. WHAT IS THE DEADLINE FOR REGISTRATION?

The annual registration must be submitted to the Commission by March 31 of each year. However, in the initial registration year, registration is due by March 16, 2012. Early registration for the first year will allow the Commission's expanded pipeline safety program to begin as early as possible.

13. MY ENTITY RECEIVED INFORMATION FROM THE COMMISSION ABOUT REGISTRATION, BUT WE DO NOT BELIEVE WE FIT THE DEFINITION. WHAT SHOULD WE DO?

Entities who are not pipeline operators pursuant to the Pipeline Act need not register, but should email Commission staff at ra-Act127@pa.gov with a justification in order to be removed from the Commission's mailing list. An entity's determination that they are not required to register under the Pipeline Act is subject to review by the Commission.

14. WHAT IF A PIPELINE OPERATOR DOESN'T REGISTER?

Pipeline operators who fail to register will be subject to civil penalties of up to \$10,000 a day that the violation persists.

15. HOW IS TUBULAR STEEL PRODUCT DEFINED?

Tubular steel product means pipe, not valves or other facilities or equipment.

16. WHAT IF THE COUNTRY OF MANUFACTURE FOR THE TUBULAR STEEL PRODUCT IS UNKNOWN?

If the country of manufacture is unknown, registrants should then indicate the length of the product installed.

17. WHY IS THE PUC CHARGING AN ASSESSMENT?

The Pipeline Safety Act authorized the PUC to assess Pennsylvania pipeline operators for the Commission's cost of carrying out the responsibilities to enforce federal pipeline safety laws as they relate to non-public utility gas and hazardous liquid pipeline equipment and facilities within the state.

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**
Harrisburg, PA 17105-3265

Public Meeting held June 7, 2012

Commissioners Present:

Robert F. Powelson, Chairman
John F. Coleman, Jr., Vice-Chairman
James H. Cawley
Wayne E. Gardner
Pamela A. Witmer

Act 127 of 2011 – The Gas and Hazardous
Liquids Pipeline Act; Assessment of Pipeline
Operators – Jurisdiction over Class 1 Transmission

M-2012-2282031

FINAL ORDER

BY THE COMMISSION:

On December 22, 2011, Governor Corbett signed the Gas and Hazardous Liquids Pipelines Act (Pipeline Act), Act 127 of 2011. The Pipeline Act provides authority to the Pennsylvania Public Utility Commission (Commission) to enforce Federal pipeline safety laws as they relate to non-public utility gas and hazardous liquids pipelines and pipeline facilities within the Commonwealth of Pennsylvania.

On February 16, 2012, the Commission issued its Act 127 Implementation Order. The Implementation Order addressed various jurisdictional issues relating to Class 1 gathering lines. As the Commission has been implementing Act 127, we have noted that the Act 127 implementation Order does not sufficiently highlight the different jurisdictional status for natural gas transmission pipelines and pipeline facilities in Class 1 locations. Therefore, the purpose of this order is to modify the Act 127 Implementation Order to clarify that *transmission* pipelines and pipeline facilities in Class 1 locations are

subject to federal pipeline safety laws and therefore are within the jurisdiction of the Commission under Act 127.

It is possible that some operators that have pipelines and pipeline facilities limited to transmission pipelines in Class 1 locations may not have registered as pipeline operators based upon our earlier order. However, as explained herein, such entities are subject to Act 127 and its registration and mileage reporting requirements. Accordingly, any operators of transmission pipelines and pipeline facilities in Class 1 areas which have not previously registered must file registrations by **June 22, 2012**.

Specifically, in Section A of the February 16, 2012 Act 127 Implementation Order the Commission discussed the Pennsylvania Independent Oil and Gas Association's (PIOGA) request that the Commission confirm that "gathering lines in Class 1 areas that transport gas primarily from conventional wells are exempt from Act 127...." Implementation Order at 3. However, the Commission's analysis and disposition which followed simply stated "pipelines" and did not distinguish between *gathering* pipelines in Class 1 locations, which are not regulated by the federal pipeline safety laws, and *transmission* pipelines which are regulated by the federal pipeline safety laws in all class locations. *See* 49 C.F.R. § 192.8.

The Commission is issuing this Final Order to amend the February 16, 2012 Act 127 Implementation Order to make clear that pipeline operators of Class 1 transmission pipelines and pipeline facilities are jurisdictional to PHMSA, and therefore the Commission, and must register such lines with the Commission. Along with this Final Order, the Commission is issuing a revised registration form that more clearly indicates the Commission's jurisdiction over Class 1 *transmission* lines.

Pursuant to its Act 127 implementation duties, the Gas Safety Division has issued data requests to currently registered pipeline operators to obtain, *inter alia*, the county

and mileage of transmission pipelines and pipeline facilities in Class 1 locations. Pipeline operators who have already responded to these data requests need not do anything further in regard to these data requests. Pipeline operators who have not yet responded to these data requests can use the attached revised Registration Form to do so.

This order was issued on a tentative basis on May 24, 2012 to provide notice and comment to interested parties. Any interested party had until June 1, 2012 to submit comments. The Commission received comments from National Fuel Gas Supply Corporation (NFG).

In its comments, NFG points out that pipeline and pipeline facilities, pursuant to the definition of “pipeline” and “pipeline facilities” in Act 127, do not include pipelines and pipeline facilities that are subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission (FERC). NFG asked the Commission to clarify this point in this Final Order. The Commission agrees with NFG, and consequently clarifies in this Final Order that any references to “pipeline” and “pipeline facilities” are as these terms are defined in Act 127 and therefore do not include pipelines and pipeline facilities that are subject to the exclusive jurisdiction of the FERC. We also point out that the exclusion of an entity’s FERC jurisdictional pipelines and pipeline facilities from Act 127 does not extend to the entity’s non-FERC jurisdictional pipelines and pipeline facilities, if any.¹

In addition, the Commission has re-examined its funding for Act 127 implementation during the current fiscal year. Upon review of our federal funding status

¹ See FAQ No. 8 at http://www.puc.state.pa.us/NaturalGas/pdf/Act127/12_Act127_FAQs.pdf (“What if my entity has portions that are covered under Act 127 and portions that are not? If a person operates multiple facilities, some of which are subject to Act 127 and some of which are not, the person is a pipeline operator only with regard to the facilities subject to Act 127. For example, a person who operates a FERC jurisdictional transmission pipeline facility in addition to non-FERC jurisdictional gathering lines is a pipeline operator only with regard to the non-FERC jurisdictional gathering lines.”)

for Fiscal Year 2011-2012, the Commission believes that its budget for Act 127 activities during the current fiscal year can be funded from current funding from PHMSA. Accordingly, there will be no assessment of pipeline operators for the Commission's current fiscal year (which ends on June 30, 2012). Starting in Fiscal Year 2012-13, however, the Commission's total costs of the Act 127 gas safety program, less costs otherwise reimbursed by the federal government, will be allocated among the newly regulated entities in proportion to their miles of intrastate regulated pipelines, consistent with section 503(b) of Act 127; **THEREFORE,**

IT IS ORDERED:

1. The February 16, 2012 Act 127 Implementation Order is hereby revised to indicate that all pipeline operators in the Commonwealth of Pennsylvania of intrastate Class 1 transmission pipelines or pipeline facilities must register such lines with the Commission. All pipeline operators with intrastate Class 1 transmission pipelines or pipeline facilities that have not previously filed must now file with the Commission by June 22, 2012.

2. The Pipeline Operator Registration Form is hereby revised as indicated by the Registration Form attached to this Final Order.

3. The Commission will not assess pipeline operators for the Commission's current fiscal year that ends on June 30, 2012.

4. That a copy of this Final Order shall be served upon all persons who were served the February 16, 2012 Act 127 Implementation Order.

5. That a copy of this Final Order shall be posted on the Commission's Act 127 webpage.

BY THE COMMISSION



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: June 7, 2012

ORDER ENTERED: June 7, 2012

GAS AND HAZARDOUS LIQUIDS PIPELINES ACT - ENACTMENT

Act of Dec. 22, 2011, P.L. 586, No. 127

Cl. 66

An Act

Providing for gas and hazardous liquids pipelines and for powers and duties of the Pennsylvania Public Utility Commission; and imposing civil penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

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CHAPTER 1
PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Gas and Hazardous Liquids Pipelines Act.

Section 102. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Commission." The Pennsylvania Public Utility Commission.

"Federal pipeline safety laws." The provisions of 49 U.S.C. Ch. 601 (relating to safety), the Hazardous Liquid Pipeline Safety Act of 1979 (Public Law 96-129, 93 Stat. 989), the Pipeline Safety

Improvement Act of 2002 (Public Law 107-355, 116 Stat. 2985) and the regulations promulgated under the acts.

"Gas." Natural gas, liquefied natural gas, landfill gas, synthetic natural gas and other gas as defined under the Federal pipeline safety laws.

"Hazardous liquids." Petroleum, a petroleum product, anhydrous ammonia and other hazardous liquids as defined under the Federal pipeline safety laws.

"Person." An individual, firm, joint venture, partnership, corporation, association, municipality, cooperative association or joint stock association, including any trustee, receiver, assignee or personal representative thereof. The term does not include a public utility.

"Pipeline." A part of the physical facilities through which gas or hazardous liquids move in transportation, including a pipe valve and other appurtenance attached to the pipe, compressor unit, metering station, regulator station, delivery station, holder and fabricated assembly. The term only includes pipeline regulated by Federal pipeline safety laws. The term does not include a pipeline subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission.

"Pipeline facility." A new or existing pipeline, right-of-way and any equipment, facility or building used in the transportation of gas or hazardous liquids or in the treatment of gas or hazardous liquids during the course of transportation. The term does not include a pipeline facility subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission.

"Pipeline operator." A person that owns or operates equipment or facilities in this Commonwealth for the transportation of gas or hazardous liquids by pipeline or pipeline facility regulated under Federal pipeline safety laws. The term does not include a public utility or an ultimate consumer who owns a service line on his real property.

"Public utility." The term shall mean:

(1) A public utility as defined in 66 Pa.C.S. § 102 (relating to definitions).

(2) A city natural gas distribution operation as defined in 66 Pa.C.S. § 102.

"Transportation of gas." The gathering, transmission or distribution of gas by pipeline or the storage of gas.

"Transportation of hazardous liquids." The gathering, transmission or distribution of hazardous liquids by pipeline.

"Unconventional formation." A geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation of the well bore.

"Unconventional well." A borehole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.
Section 103. Applicability.

The provisions of this act shall apply only to pipelines, pipeline operators or pipeline facilities regulated under Federal pipeline safety laws.

CHAPTER 3 PIPELINE OPERATORS

Section 301. Registry of pipeline operators.

(a) Registry.--The commission shall establish and maintain a registry of all pipeline operators.

(b) Application.--The commission may develop an application for registration under subsection (a) and may charge a reasonable registration fee and annual renewal fee.

(c) Registration with commission.--

(1) A pipeline operator shall register with the commission.

(2) Failure to register shall subject the pipeline operator to a civil penalty under section 502.

(3) The operator of a pipeline in a Class 1 location that collects or transports gas from an unconventional well shall report the location of the pipeline by class location and approximate aggregate miles for inclusion in the commission's registry.

(d) Disclosure.--The commission shall require each pipeline operator, regardless of class location, to disclose in its initial registration and in each annual renewal the country of manufacture for all tubular steel products used in the exploration, gathering or transportation of natural gas or hazardous liquids. The commission may develop a disclosure form and require its use.

(e) Exemptions.--

(1) No application or registration fee shall be required of a petroleum gas distributor who is registered under the act of June 19, 2002 (P.L.421, No.61), known as the Propane and Liquefied Petroleum Gas Act, and provides proof of registration to the commission.

(2) The commission shall verify registrations of petroleum gas distributors within the Department of Labor and Industry before requiring a petroleum gas distributor to register under this section.

(3) No registration fee or annual renewal registration fee shall be required of a borough.

Section 302. Adoption of Federal pipeline safety laws.

(a) General rule.--The safety standards and regulations for pipeline operators shall be those issued under the Federal pipeline safety laws as implemented in 49 CFR Subtitle B Ch. I Subch. D (relating to pipeline safety).

(b) Amendments to Federal law.--

(1) Amendments to Federal pipeline safety laws shall have the effect of amending or modifying the safety standards and regulations for the transportation of gas and hazardous liquids in this Commonwealth.

(2) An amendment or modification under paragraph (1) shall take effect 60 days after its effective date.

CHAPTER 5

COMMISSION AUTHORITY AND ENFORCEMENT

Section 501. General powers of commission.

(a) Commission authority.--The commission shall have general administrative authority to supervise and regulate pipeline operators within this Commonwealth consistent with Federal pipeline safety laws. The commission may adopt regulations, consistent with the Federal pipeline safety laws, as may be necessary or proper in the exercise of its powers and perform its duties under this act. The regulations shall not be inconsistent

with or greater or more stringent than the minimum standards and regulations adopted under the Federal pipeline safety law. The commission shall have the following duties:

(1) To investigate a service, act, practice, policy or omission by a pipeline operator to determine compliance with this act.

(2) To investigate a pipeline transportation facility to determine if it is hazardous to life or property.

(3) To investigate the existence or report of a safety-related condition that involves a pipeline transportation facility.

(4) To enter into contracts or agreements with the United States Department of Transportation to inspect intrastate or interstate transmission facilities.

(5) Accept grants-in-aid, cash and reimbursements made available to the Commonwealth by the Federal Government to implement Federal pipeline safety laws or other Federal law.

(6) To advise, consult and cooperate with the Federal Government, other states and other agencies as may be necessary to carry out the purposes of this act.

(7) To enforce the Federal pipeline safety laws and, after notice and opportunity for a hearing, impose civil penalties and fines and take other appropriate enforcement action.

(8) For purposes of petroleum gas, the commission's jurisdiction under this act shall be limited to those petroleum gas systems that are the following:

(i) Subject to the Federal pipeline safety laws.

(ii) Not a public utility.

(b) Compliance.--Each pipeline operator, its officers, agents and employees, and other persons subject to this act, or to an order of the commission, or a court under this act, shall observe, obey and comply with this act and the terms and conditions of the orders issued hereunder.

Section 502. Civil penalties.

(a) Violations.--Any pipeline operator who violates this act shall be subject to a penalty provided under the Federal pipeline safety laws or 66 Pa.C.S. § 3301(c) (relating to civil penalties for violations), whichever is greater.

(b) Disposition of fines and penalties.--Fines imposed and civil penalties recovered under this act shall be paid to the commission. The funds received by the commission under this subsection shall be paid into the State Treasury, through the Department of Revenue, to the credit of the General Fund.

Section 503. Assessments.

(a) Duty to determine.--The commission shall by regulation or order determine the assessments of pipeline operators in accordance with this section.

(b) Assessments.--

(1) The commission shall determine an appropriate annual assessment based on intrastate regulated transmission, regulated distribution and regulated onshore gathering pipeline miles. The assessment shall be adjusted to collect the commission's total costs of the pipeline operators' portion, excluding the costs otherwise reimbursed by the Federal Government, of:

(i) The gas pipeline safety program, plus a reasonable allocation of indirect costs.

(ii) The hazardous liquids pipeline safety program.

(2) The assessment shall be paid by pipeline operators and shall not be applicable to natural gas public utilities.

(3) The assessment under this subsection shall not apply to boroughs.

(c) Time for payment.--The assessment shall be due and payable within 30 days from the notice of amount due from the commission. The amount of the assessment may be challenged by a pipeline operator consistent with the provisions of 66 Pa.C.S. § 510(c), (d) and (e) (relating to assessment for regulatory expenses upon public utilities).

(d) Reporting of miles.--Following the submission of the original application, each pipeline operator shall, on or before March 31 of each calendar year, report to the commission its total intrastate regulated transmission, regulated distribution and regulated onshore gathering pipeline miles in operation for the transportation of gas and hazardous liquids in this Commonwealth during the prior calendar year.

(e) Estimated fees.--The estimated fees to be collected under this section for each fiscal year shall be subtracted from the final estimate of total expenditures used to calculate the total assessment on public utilities under 66 Pa.C.S. § 510. Section 504. Jurisdiction and authority of commission.

(a) Jurisdiction.--Nothing in this act shall give the commission jurisdiction over any pipeline operator for purposes of rates or ratemaking or any purpose other than those set forth in this act.

(b) Landfill gas distribution systems.--The jurisdiction of the commission over landfill gas distribution systems under this act shall be limited to systems subject to Federal pipeline safety laws. The commission shall not have jurisdiction over operations and systems within the property boundary of the landfill.

(c) Authority.--Nothing in this act grants the commission additional authority to determine or regulate a pipeline operator as a public utility as defined in 66 Pa.C.S. § 102 (relating to definitions) or as a natural gas supplier or natural gas supply services as defined in 66 Pa.C.S. § 2202 (relating to definitions).

CHAPTER 7 RELATED ACTIVITIES

Section 701. Replacement and reconstruction.

(a) Surface area.--A lease entered into to permit the replacement or construction of a pipeline carrying natural gas may include provisions relating to the restoration of the surface area, including soil or vegetation. A lease with a public entity may provide for the planting of trees in other areas of a county or municipality if trees were removed to replace or construct the pipeline.

(b) Easements.--

(1) This subsection applies to the owner or holder of:

(i) an agricultural easement under the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law; or

(ii) a conservation easement under the act of June 22, 2001 (P.L.390, No.29), known as the Conservation and Preservation Easements Act.

(2) If a person specified in paragraph (1) enters into a lease to permit the replacement or construction of a natural

gas pipeline on property located within the agricultural or conservation easement, the person may request a statement from the pipeline operator describing the impact of the pipeline on the public use of the easement.

CHAPTER 11
MISCELLANEOUS PROVISIONS

Section 1101. Effective date.

This act shall take effect in 60 days.