

PART 3

ANNUAL PIPELINE SAFETY FEES

18.60.3.1 ISSUING AGENCY:

New Mexico Public Regulation Commission.

[18.60.3.1 NMAC - N, 10-15-04]

18.60.3.2 SCOPE:

This rule applies to all operators of gas, hazardous liquid, and carbon dioxide pipelines in New Mexico subject to the jurisdiction of the commission.

[18.60.3.2 NMAC - N, 10-15-04]

18.60.3.3 STATUTORY AUTHORITY:

NMSA 1978, Sections 8-8-4.

[18.60.3.3 NMAC - N, 10-15-04]

18.60.3.4 DURATION:

Permanent.

[18.60.3.4 NMAC - N, 10-15-04]

18.60.3.5 EFFECTIVE DATE:

October 15, 2004, unless a later date is cited at the end of a section.

[18.60.3.5 NMAC - N, 10-15-04]

18.60.3.6 OBJECTIVE:

The purpose of this rule is to implement NMSA 1978 Sections 70-3-21 and 70-3-22.

[18.60.3.6 NMAC - N, 10-15-04]

18.60.3.7 DEFINITIONS:

In addition to the definitions in NMSA 1978 Section 70-3-12, as used in this rule:

- A. carbon dioxide has the meaning given in 49 CFR Section 195.2;
- B. fiscal year means the period starting July 1 and ending June 30;
- C. gas has the meaning given in 49 CFR Section 191.3 and 192.3;
- D. hazardous liquid has the meaning given in 49 CFR Section 195.2;
- E. jurisdictional gathering means the gathering of gas, hazardous liquid, or carbon dioxide by pipeline, or its storage, in New Mexico but does not include the gathering of gas, hazardous liquid, or carbon dioxide in those rural locations that lie outside the limits of any municipality or unincorporated city, town, or village or any residential or commercial area such as a subdivision, a business or shopping center, a community development or any similar populated area that the commission may define by order as a non-rural area;
- F. operator means a person who engages in the transportation of gas, hazardous liquid, or carbon dioxide and includes master meter operators.

[18.60.3.7 NMAC - N, 10-15-04]

18.60.3.8 INFORMATION REQUIRED FROM OPERATORS OF GAS PIPELINES:

An operator of gas pipelines shall file with the pipeline safety bureau of the commission on or before March 15 of each year:

- A. a copy of USDOT report form RSPA F 7100.2-1, annual report for calendar year 20xx gas transmission or gathering systems for the previous calendar year, and/or USDOT report form RSPA F 7100.1-1, annual report for calendar year 20xx gas distribution system for the previous calendar year, as may apply to the operator;
- B. miles of jurisdictional gathering in New Mexico;
- C. miles of intrastate transmission in New Mexico;
- D. total number of customers in New Mexico not including off-system customers;
- E. number of residential customers in New Mexico;
- F. number of all other customers in New Mexico not including off-system customers; and
- G. its electronic mail and mailing addresses and its principal place of business.

[18.60.3.8 NMAC - N, 10-15-04]

18.60.3.9 ESTIMATE OF DOMESTIC AND COMMERCIAL GAS SERVICES:

For purposes of NMSA 1978 Section 70-3-21, the pipeline safety bureau will estimate the number of domestic and commercial services by applying the ratios derived from the information reported pursuant to subsections D, E, and F of 18.60.3.8 NMAC to the number of services a gas pipeline operator reported in RSPA F 7100.1-1, annual report for calendar year 20xx gas distribution system for the previous calendar year.

[18.60.3.9 NMAC - N, 10-15-04]

18.60.3.10 INFORMATION REQUIRED FROM OPERATORS OF HAZARDOUS LIQUID AND CARBON DIOXIDE PIPELINES:

A hazardous liquid and carbon dioxide pipeline operator shall file with the pipeline safety bureau of the commission on or before:

- A. March 15 of each year:
- (1) miles of jurisdictional gathering in New Mexico;
 - (2) miles of intrastate transmission in New Mexico;
 - (3) its electronic mail and mailing addresses and its principal place of business.
- B. June 15 of each year a copy of USDOT report form RSPA F 7000.1-1, annual report for Calendar year 20xx hazardous liquid or carbon dioxide systems for the previous calendar year.

[18.60.3.10 NMAC - N, 10-15-04]

18.60.3.11 COLLECTION PROCEDURE:

A. By May 1 of each year, the pipeline safety bureau shall present to the commission a review of the fees collected and the payments made from the pipeline safety fund for the previous fiscal year.

B. By May 1 of each year, the pipeline safety bureau shall, in accordance with Subsection E of NMSA 1978 Section 70-3-21, present to the commission proposed rates for pipeline safety fees for the next fiscal year. The fees shall be based on the pipeline safety bureau's estimate of funding required for the next fiscal year, taking into consideration the estimated fund balance as of the end of the current fiscal year, the legislative appropriation provided to the commission for pipeline safety programs, the estimated federal grant-in-aid, the information provided pursuant to 18.60.3.8 and 18.60.3.10 NMAC, and any other factors deemed appropriate by the bureau.

C. Upon commission approval of the rates for pipeline safety fees, the pipeline safety bureau shall prepare a form for operators to use to calculate the total pipeline safety fee due. The pipeline safety bureau shall post the form on the commission's website and shall mail, email, or personally deliver the form to each operator. An operator shall be responsible for paying the fee due even if the operator does not receive a form from the bureau.

D. An operator shall pay the calculated fee by check made payable to the public regulation commission. An operator must send the fee by registered mail postmarked no later than June 1 or 15 days from the date of the commission order approving the rates for pipeline safety fees, whichever is later, of each year to the Public Regulation Commission, Pipeline Safety Bureau, P.O. Box 1269, Santa Fe New Mexico 87504-1269.

[18.60.3.11 NMAC - N, 10-15-04; A, 04-15-10]

18.60.3.12 RECOUPMENT OF PIPELINE SAFETY FEES FROM RATE PAYERS:

A public utility seeking to recoup from its ratepayers the pipeline safety fee paid to the commission shall file with the utility division of the commission a compliance filing setting forth the imposition methodology and amount of the fee to be recouped from its ratepayers by the later of July 1 or 45 days from the date of the commission order approving the rates for pipeline safety fees. A public utility may begin recouping the pipeline safety fee from ratepayers in the first billing cycle following the compliance filing.

[18.60.3.12 NMAC - N, 10-15-04]

HISTORY OF 18.60.3 NMAC: [Reserved]