

MEMORANDUM

To: All Propane Marketers

From PGAM and MODA

Date: April 2, 2009

Subject:

2009 Correction Protocol to correct deficiencies for alleged violations on Jurisdictional Propane Installations

On behalf of all Propane Marketers that have Jurisdictional Installations in Maine, The Propane Gas Association of Maine (PGAM) and the Maine Oil Dealers Association (MODA) have entered into an agreement with the Maine Public Utilities of Maine through negotiations and good faith efforts from both parties. These efforts have produced a "Correction Protocol". The Correction Protocol has been established to allow marketers to perform corrective actions for those NOPV's already in hand as of 3/24/2009 within 90 days of this date. The Correction Protocol also allows the marketer to make all necessary repairs, modifications or alterations to the Jurisdiction Facilities without acknowledging that the violation existed.

This interim correction protocol is to be in effect until we (marketers and the PUC can come to some conclusion regarding the issues surrounding the NOPVs with the PUC. This agreement eliminates the need to continue expensive litigation on all NOPVs at this time. The PUC agrees to meet with us to start the rulemaking discussions and to perhaps resolve some of the more outrageous claims made by the inspectors. (Corrosion, vegetation and customer piping)

The "Correction Protocol" includes the following steps:

1. NOPVs will be accompanied by a photo showing the alleged violation and a form to be submitted by the Marketer if the situation is corrected.
2. The Marketer will provide the Commission's Staff with the completed form and a photo of the corrected situation.
3. Upon receipt of the form and the photo, the alleged violation will be deemed corrected without the need to re-inspect. In the event that the Commission determines that it is unclear from the photo that the situation has been corrected, the Commission's Propane Safety Inspector will request further verification from the Marketer or conduct an additional inspection.
4. If the alleged violation pertains to a location which is not a current account of the Marketer to whom the NOPV is addressed, the Marketer may so notify the Commission and identify the current Marketer, if known, upon which the NOPV will be withdrawn.

The Association and the MPUC will continue to have discussions during the rule making process and any other NOPV's issued during these discussions will be corrected using the above "Correction Protocol". The NOPV's will be corrected within 90 days of the issuance of the NOPV.

If the Marketer feels that the NOPV(s) was issued in error, or the violations are for items the marketer believes to be in an area of the gas system that is considered customer piping. The marketer should correct all noted NFPA #58 violations as well as any violations covered under 49 CFR 192. The marketer should take pictures of all repairs. In addition to the pictures, the marketer should describe the details that they feel describe the reasons why the noted violations do not apply or why the marketer feels that the installation is not a Jurisdictional Propane Facility.

More can be learned at the MODA Spring conference at the Civic Center in Augusta on April 9, 2009

and

The PGAM Spring meeting also at the Augusta Civic Center on April 22, 2009

Also, for more info, don't hesitate to call

Jamie Py at MODA 729-5298

Or Carl Bisson at PGAM 878-0100.