

*Remarks of Chair Burman for the NARUC-PHMSA COVID 19 Briefing  
March 20, 2020*

Hello, my name is Diane Burman, a Commissioner at the New York State Public Service Commission and a member of the NARUC Board of Directors and Chair of Gas. First, let me say on a very personal level that I am thinking of each and every one of you who each are dealing personally and professionally on some level with the ramifications from COVID 19. I will be keeping everyone in my thoughts as we continue to weather the continuing effects from this pandemic.

Thank you to both NARUC and PHMSA for jointly hosting this important briefing to discuss pipeline safety in the challenging times of COVID 19. In general, when it comes to pipelines and natural gas a regulator's job, whether it is at the state or federal level, is to ensure that the systems it regulates remain safe, and that they continuously improve in that regard. I believe that material safety improvements, responsible and flexible regulatory oversight, and industry engagement can and should proceed together.

My focus is truly one that has always been about working together in partnership to help set both the infrastructure goals and safety expectations in how to reach them and then together working through the challenges presented in doing so with whatever the landscape may be before us. When I speak of wanting to be flexible in our regulatory oversight and work together in partnership with industry and other stakeholders, I am not suggesting in any way that we should relinquish our regulatory roles. In fact, I am suggesting that we need to step up and ensure that our regulatory structure is sound and working in concert in a way that keeps ALL of us safe, especially at times like these dealing with COVID 19.

In any emergency response or major disaster event we have been taught as regulators that we need to be prepared before, during and after to address the myriad of issues and matters that will arise expected and unexpected. Some are new in your roles as Commissioners or commission staff, others like me have been around a bit longer and may be familiar with some of the intricacies that occur in the energy regulatory space to deal with a crisis. It doesn't matter how long you have been at this or how prepared you thought you were—each crisis event feels unique, different and often chaotic. Because it IS. And each event can be extremely complex and overwhelming to handle and manage. What is truly important is to not allow any panic to cripple you and work through your policies, procedures, protocols and practices to identify what is there and necessary and vital to do and assess through on hands review and analyze any gaps or potential gaps in the systems policies, procedures, protocols and practices. Once these are identified you can expeditiously and thoughtfully work to close those essential gaps or find appropriate alternatives to work through them during this time or that can be set aside as those gaps are not essential to be dealt with right now (e.g. allowing some non-emergency compliance filing report deadlines to be extended if in doing so it does not compromise safety **and** by extending helps us get back to the pandemic focus at hand).

While we often want to say we must carry on “business as usual”, which in some places it may very well be, I think we need to recognize that what is **now** “business as usual” is really that **in this time period** where so much is not “usual” we will absolutely abide by our regulatory core public service mission and work to make sure that safety is not compromised while we go about ensuring the continued delivery of reliable and safe utility services while taking care of our citizens. That may mean our thoughtful guidance and oversight in allowing *as appropriate* flexibility in what that delivery of services looks like and empowering not only our Commission staff but the utilities to have the discretionary tools at their disposal they need to keep us all safe.

I will now turn the briefing over to read some remarks from NARUC President Brandon Presley from Mississippi. Then after we read his remarks we will turn it back over to me for the short introductions of PHMSA for the substantive briefing and then we will open it up for Questions and Answers.

Chairman Presley was first elected to the Mississippi PSC in 2007 and is also the former mayor of Nettleton, Miss., having served from 2002 to 2007. His leadership experience includes among other things serving on the Committee of Gas and as the vice chair of NARUC’s Natural Gas Access and Expansion Task Force. President Presley when he became NARUC President said that he was focused on working with NARUC to continuously improve the quality and effectiveness of public utility regulation. He made clear he cares about each and every individual he serves in his state and helping every member at NARUC do the same for their states. He promised to take a thoughtful, reasoned approach to serving the public interest and to do so passionately. He has been steadfast during these challenging times that he will do all he can to carry out his regulatory responsibilities for his state and in his national role for NARUC and to do so for the public good. He has not kept his eyes off the ball from this and in fact has helped to set the bar high on how to lead. Every day I am more and more honored to serve a long side him. President Presley cannot be with us on this call as duty calls in his home state. But he asked me to read his remarks for him albeit he said “in light of the regulatory flexibility we need at these times”. He will, “pardon my New York accent and not require me to read it with a southern drawl.”

**Read Presley Remarks and now back to PHMSA intro**

Lauren Ann Cobb, President Presley’s Chief of Staff and his counsel Ross Hammons are on the call and I want to ask that they thank President Presley for those truly inspiring remarks.

Now back to the next steps--In just a moment I will turn the briefing over to PHMSA and I remind folks that we will open it up for Q and A. PHMSA has been hard at work thinking about thoughtful guidance, oversight and directions they have or additional ones they may wish to convey that they have or will make available to allow as appropriate flexibility in how we as states and our state’s operators carry out our respective duties and obligations. In fact, PHMSA did what I think is essential –they went to their current regulatory authority in the federal code, and regulations which deal with disaster events including pandemics and engaged with key stakeholders to see where there was, is and may need to be more guidance, recommended actions

and flexibility to unlock any barriers to doing what we all may need to do for emergency response to the COVID 19 and doing so without compromising safety.

To me, the key is that PHMSA has within its authority some helpful flexibility such as, but not limited to, emergency special permit authority, and has carefully albeit expeditiously worked through guidance specific to this pandemic. I also note that they have used that authority under other major disaster events so they have experience in what is needed to effectively implement this authority. We will also learn on this briefing what other formal and informal guidance they have instituted specifically to COVID 19.

It is also important to note recently NTSB was particularly focused on supporting how we may all work together to implement API 1173 pipeline safety management practices or similar PSMS protocols. PHMSA and others have been very much engaged in such efforts with stakeholders including states and utilities. I am particularly pleased to see that API 1173 actually contemplates and incorporates pandemic activities into the SMS culture and operations. Thus, those recent API 1173 activities and hands on exercises can be beneficial to now helping deal with COVID 19.

I am now going to turn the briefing over to PHMSA. Under PHMSA Administrator Skip Elliot he has put together an incredible expert team with many of them long time public service servants that we have worked closely with over the years. Administrator Elliot's incredible team consists of the Deputy Administrator Drue Pearce, General Counsel Paul Roberti, Associate Administrator for Pipeline Safety Alan Mayberry, Deputy Associate Administrator for Policy and Programs with PHMSA's Office of Pipeline Safety Massoud Tahamtani, Director of State Programs Zach Barrett, Director of Governmental, International, and Public Affairs Ben Kochman and so many others. I will now turn over to PHMSA. Alan?

### **PHMSA remarks and Q & A**

### **Conclusion/wrap up**

Thank you for a very informative briefing. I look forward to our continued engagement on these critical issues. I want to thank PHMSA and NARUC for jointly hosting this briefing. In particular I want to thank NARUC Staff Jennifer Murphy and Kiera Zitelman for all the behind the scenes worked they did together to make this possible.