

# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### NOTICE OF VOTE AND ORDER, PUBLIC HEARING, AND REQUEST FOR COMMENT

D.P.U. 19-140

January 9, 2020

Investigation by the Department of Public Utilities on its own Motion into Bay State Gas Company d/b/a Columbia Gas of Massachusetts' responsibility for and response to the September 13, 2018 Merrimack Valley Incident, pursuant to 49 U.S.C. § 60105, G.L. c. 164, § 76, G.L. c. 164, § 105A, and 220 CMR 69.00.

D.P.U. 19-141

Investigation by the Department of Public Utilities on its own Motion into the Preparation and Response of Bay State Gas Company d/b/a Columbia Gas of Massachusetts with respect to the September 13, 2018 Merrimack Valley Gas Event pursuant to G.L. c. 164, §§ 1J, 76, and 85B, and 220 CMR 19.00.

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**Este es un aviso importante. Para una versión en español por favor visite la pagina web de la compañía, [columbiagasma.com](http://columbiagasma.com) o llame a la compañía al numero 1-800-688-6160.**

On October 25, 2019, the Department of Public Utilities ("Department") voted to open two investigations into an overpressurization event resulting in a series of explosions and fires in the natural gas distribution system of Bay State Gas Company d/b/a Columbia Gas of Massachusetts ("Bay State" or "Company") on September 13, 2018 ("September 13 Event"). The Department docketed these investigations as D.P.U. 19-140 and 19-141. On December 23, 2019, the Department issued an order on the scope of the investigation in D.P.U. 19-141.

D.P.U. 19-140 is an investigation into Bay State's responsibility for the September 13 Event as well as its restoration efforts following the incident. This proceeding will be conducted pursuant to the Department's general supervisory authority over natural gas distribution companies, G.L. c. 164, § 76, as well as its authority pursuant to 49 U.S.C. § 60105, G.L. c. 164, § 105A, and 220 CMR 69.00 to investigate a natural gas distribution company's compliance with federal and state pipeline safety laws and regulations, particularly 49 C.F.R. Part 192, 220 CMR 101.00, and 220 CMR 107.00.

D.P.U. 19-141 will focus on Bay State's efforts in the following areas with respect to the September 13 Event: (1) preparation for and management of the restoration efforts, including safe and reasonably prompt restoration; (2) public safety; (3) allocation of resources to affected municipalities; (4) timely and accurate communication with state, municipal, and public safety officials and with the Department; (5) dissemination of timely information to the public; and (6) identification of restoration practices that require improvement, if any. This proceeding will be conducted pursuant to the Department's general supervisory authority over natural gas distribution companies, G.L. c. 164, § 76; as well as its authority to review the performance of an electric or gas distribution company in restoring service during an emergency event, G.L. c. 164, § 85B; and finally, its authority to determine whether an electric or gas distribution company has violated the standards regarding acceptable performance for emergency preparedness and restoration of service, G.L. c. 164, § 1J and 220 CMR 19.00.

The Department will conduct two public hearings to receive comments on the two investigations on:

**Wednesday, January 29, 2020**  
**North Common Education Campus**  
**233 Haverhill Street**  
**Lawrence, Massachusetts 01840**  
**Time: 6:00 p.m.**

and

**Monday, February 10, 2020**  
**J. Everett Collins Center for the Performing Arts**  
**100 Shawsheen Road**  
**Andover, Massachusetts 01810**  
**Time: 6:00 p.m.**

Copies of the Orders opening these investigations and the Order on Scope in D.P.U. 19-141 are available for inspection during regular business hours at the Department's offices, as well as the following locations: Lawrence Public Library, 51 Lawrence Street, Lawrence, Massachusetts; Lawrence Public Library South Branch, 135 Parker Street, Lawrence, Massachusetts; Lawrence City Hall, 200 Common Street, Lawrence, Massachusetts; Stevens Memorial Library, 345 Main Street, North Andover, Massachusetts; North Andover Town Hall, 120 Main Street, Andover Massachusetts; Memorial Hall Library, 2 North Main Street, Andover, Massachusetts; and, Andover Town Clerks Office, 36 Bartlett Street, Andover, Massachusetts. In addition, all of the relevant documents related to these investigations can be found on the Department's website at <https://eeaonline.eea.state.ma.us/DPU/Fileroom/dockets/bynumber> (enter "19-140" or

“19-141”). To request materials in accessible formats (braille, large print, electronic files, audio format), contact the Department’s ADA coordinator at [DPUADACoordinator@mass.gov](mailto:DPUADACoordinator@mass.gov) 617-305-3500.

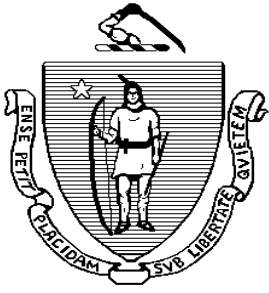
Any person who desires to file written comments or to participate otherwise in either of these proceedings shall file an original and one (1) copy of such written comments or petition for leave to intervene in the proceeding(s) with Mark D. Marini, Secretary, Department of Public Utilities, One South Station, Boston, Massachusetts, 02110, no later than 5:00 p.m. on **Monday, February 10, 2020**, and serve one copy on counsel for the Company, Cheryl Kimball, Esq., Keegan Werlin LLP, 99 High Street, Suite 2900, Boston, Massachusetts 02110.

A petition for leave to intervene must satisfy the timing and substantive requirements of 220 CMR 1.03. Receipt by the Department, not mailing, constitutes filing and determines whether a petition has been timely filed. A petition filed late may be disallowed as untimely, unless good cause is shown for waiver under 220 CMR 1.01(4). To be allowed, a petition under 220 CMR 1.03(1) must satisfy the standing requirements of G.L. c. 30A, § 10.

All documents should also be submitted to the Department in electronic format using one of the following methods: (1) by e-mail attachment to [dpu.efiling@mass.gov](mailto:dpu.efiling@mass.gov) and [laurie.e.weisman@mass.gov](mailto:laurie.e.weisman@mass.gov) (D.P.U. 19-140) or [lauren.morris@mass.gov](mailto:lauren.morris@mass.gov) (D.P.U. 19-141); or (2) on a USB drive. The text of the e-mail or USB drive must specify: (1) the docket number of the proceeding (D.P.U. 19-140 or D.P.U. 19-141); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. All documents submitted in electronic format will be posted on the Department’s website.

For further information regarding the Department’s Orders opening these investigations or this Notice, please contact Laurie Ellen Weisman, Pipeline Safety Division Counsel (D.P.U. 19-140) or Lauren Morris, Hearing Officer (D.P.U. 19-141), Department of Public Utilities, One South Station, Boston, Massachusetts, 02110, 617-305-3500.

Reasonable accommodations at public or evidentiary hearings for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can. Also include a way the Department can contact you if we need more information. Please provide as much advance notice as possible. Last minute requests will be accepted, but may not be able to be accommodated. Contact the Department’s ADA coordinator at [DPUADACoordinator@mass.gov](mailto:DPUADACoordinator@mass.gov) or (617) 305-3500.



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Bay State Gas Company d/b/a Columbia Gas of Massachusetts ("Company") shall, no later than fourteen (14) days prior to **January 29, 2020**, publish the attached Notice of Vote and Order, Public Hearing, and Request for Comment in: (1) either The Boston Globe or the Boston Herald; and (2) The Eagle-Tribune, The Enterprise, and The Republican (formerly The Springfield Union News & Sunday Republican). Within the same time frame, the Company shall also serve a copy of the Notice on: (1) the Massachusetts Attorney General; (2) the Mayor and City Council of the City of Lawrence; (3) the Board of Selectmen of the Town of Andover; (4) the Board of Selectmen of the Town of North Andover; (5) the Lawrence Resident Petitioners as defined in D.P.U. 19-141 (October 25, 2019); and (6) the service list in Bay State Gas Company, D.P.U. 18-45.

The Company shall prominently display the Notice on its website in both English and Spanish from three business days following receipt of the notice from the Department through the end of the comment period. Within seven business days of receipt of the attached Notice, the Company shall arrange for a copy of the Notice in both English and Spanish and the opening Orders to be made available for viewing during regular business hours through at least February 3, 2020, at the following locations: Lawrence Public Library, 51 Lawrence Street, Lawrence, Massachusetts; Lawrence Public Library South Branch, 135 Parker Street, Lawrence, Massachusetts; Lawrence City Hall, 200 Common Street, Lawrence, Massachusetts; Stevens Memorial Library, 345 Main Street, North Andover, Massachusetts; North Andover Town Hall, 120 Main Street, Andover Massachusetts; Memorial Hall

