



THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

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MATTHEW H. NELSON  
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COMMISSIONER

CECILE M. FRASER  
COMMISSIONER

January 13, 2020

Mark Prewitt  
Vice President, Pipeline Safety & Compliance  
National Grid  
40 Sylvan Road  
Waltham, MA 02451

RE: D.P.U. 18-PL-06, Hemlock @ Hickory Road, Braintree

Dear Mr. Prewitt:

The enclosed Consent Order has been signed and the effective date of the Order is January 10, 2020.

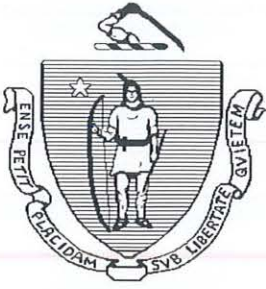
Sincerely,

A handwritten signature in black ink, appearing to read "Richard Enright".

Richard Enright, Director  
Pipeline Safety Division

Enc.

Cc: Stephen M. Bell, National Grid  
Thomas Kubilis, National Grid (email only)



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### CONSENT ORDER

December 16, 2019

D.P.U. 18-PL-06

In the matter of Boston Gas Company d/b/a National Grid

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#### **I. JURISDICTION**

1. This document, with the attached Compliance Agreement, is a Consent Order entered into between the Pipeline Safety Division ("Division") of the Department of Public Utilities ("Department") and Boston Gas Company d/b/a National Grid ("National Grid" or "Respondent"), and is executed in accordance with 220 CMR 69.08.
2. The Division has authority to enter into this Consent Order on behalf of the Department pursuant to Delegation Order, D.P.U. 18-44-A (2018).
3. Failure to comply with the terms of this Order may result in the assessment of civil penalties and referral of this matter to the Attorney General for appropriate action.
4. The terms and conditions of this Order become effective upon signing by the authorized representatives of the Respondent and the Department.
5. Respondent has stipulated and consented to the issuance of this Consent Order.

#### **II. VIOLATIONS AND CIVIL PENALTY**

1. Pursuant to G.L. c. 164, §§ 76 and 105A, and 220 CMR 69.02, the Division conducted a pipeline safety inspection of the Respondent's facilities and records. As a result of the inspection, the Director of the Division issued to the Respondent a Notice of Probable Violation ("NOPV"), D.P.U. 18-PL-06, dated November 5, 2019, in accordance with 220 CMR 69.03. The NOPV is attached hereto and made a part hereof.
2. Based on information contained in the NOPV, the Division finds that the Respondent violated pipeline safety regulations contained in 49 C.F.R. Part 192 ("Part 192"), specifically:

**Part 192, § 192.13(c) General**

**Part 192, § 192.605(a) Procedural manual for operations, maintenance and emergencies**

3. Pursuant to G.L. c. 164, § 105A, the Division hereby imposes upon the Respondent a civil penalty in the amount of \$75,000 for the above-noted violations.
4. The Respondent hereby agrees, upon signing and returning this Consent Order to the Division, to remit payment of the civil penalty by check or money order in the amount of \$75,000 made payable to the Commonwealth of Massachusetts, One South Station, Boston, MA 02110.

**III. RESPONDENT REQUIREMENTS**

1. **Respondent shall sign the Stipulation below and return this complete document to the Division.**
2. All submissions by Respondent in accordance with this Consent Order shall be addressed to:

Director  
Pipeline Safety Division  
Department of Public Utilities  
One South Station  
Boston, MA 02110

**IV. STIPULATED TERMS**

Pursuant to 220 CMR 69.08(1), the Respondent through the signature below, by the person to whom this Consent Order is issued or a duly authorized representative, acknowledges agreement to the terms contained herein without admitting or denying that a violation of any Department or federal pipeline safety law or regulation occurred in relation to the above-noted matters. Further, Respondent agrees to issuance of this Consent Order and stipulates to the following:

1. Respondent, by signing the Stipulation, hereby waives:
  - (a) All rights to informal review pursuant to 220 CMR 69.05;
  - (b) All rights to a hearing pursuant to 220 CMR 69.06;
  - (c) Any and all procedural rights available in connection with the issuance of the Consent Order;
  - (d) All rights to seek any type of administrative or judicial review of the Consent Order; and



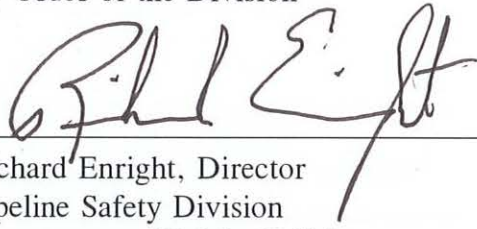
- (e) Any and all rights to challenge or contest the validity of the Consent Order.
2. Respondent expressly acknowledges that neither Respondent nor the Division has any intention to enter into a contract.
  3. The terms and provisions of this Consent Order and Stipulation shall be binding upon, and inure to the benefit of, Respondent and the Division and their successors in interest.
  4. Nothing in these Stipulated Terms shall preclude any proceedings brought by the Department to enforce the terms of the Consent Order, and nothing in these Stipulated Terms constitute, nor shall Respondent contend that they constitute, a waiver of any right, power, or authority of any other representative of the Commonwealth or an agency thereof to bring other actions deemed appropriate.

**V. FINAL ORDER**

1. This Consent Order and Stipulation is intended to be, and shall be construed to be, a final order of the Department issued pursuant to G.L. c. 25, § 5, having the force and effect of a remedial order, pursuant to 220 CMR 69.07(2), and expressly does not form, and may not be considered to form, a contract binding on the Division, the Department, or the Commonwealth of Massachusetts.

2. The terms of this Consent Order and Stipulation, including this paragraph, are not subject to amendment or modification by any extraneous expression, prior agreement, or prior arrangements between the Division and the Respondent, whether oral or written.


By Order of the Division

  
\_\_\_\_\_  
Richard Enright, Director  
Pipeline Safety Division  
Department of Public Utilities

Date: 1/10/20

**The undersigned, duly authorized, stipulates to and acknowledges agreement to the terms herein.**

**Boston Gas Company d/b/a National Grid**

  
\_\_\_\_\_  
Mark Prewitt  
Vice President, Gas Operations & Construction

Date: 12/20/2019

COMPLIANCE AGREEMENT  
BETWEEN THE DEPARTMENT OF PUBLIC UTILITIES  
AND BOSTON GAS COMPANY D/B/A NATIONAL GRID

D.P.U. 18-PL-06

Boston Gas Company d/b/a National Grid (“National Grid” or “Respondent”) agrees to take the following actions within the specified time periods:

1. Within 30 days of the effective date of this Order, National Grid shall review the requirements of its system operating procedures GCON02001 with appropriate personnel.
2. Within 60 days of the effective date of this Order, National Grid shall provide documentation that it completed Item 1.
3. Within 70 days of the effective date of this Order, National Grid shall review the details of the incident analysis and related documentation with appropriate personnel to thoroughly communicate all lessons learned related to the root cause(s), and how best to prevent a reoccurrence.
4. Within 80 days of the effective date of this Order, National Grid shall provide documentation that it completed Item 3.
5. Within 30 days of the effective date of this Order, National Grid shall pay a civil penalty of \$75,000 to the Commonwealth of Massachusetts.