



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

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NOTICE OF PROBABLE VIOLATION
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

January 13, 2020

D.P.U. 19-PL-09

Gregory Hill, Vice President
Gas Engineering
Eversource Energy
157 Cordaville Road
Southborough, MA 01772

Re: D.P.U. 19-PL-09, Taft Hill Road, Uxbridge (05/23/2019)

Dear Mr. Hill:

The Pipeline Safety Division (“Division”) of the Department of Public Utilities (“Department”) issues this Notice of Probable Violation (“NOPV”) to NSTAR Gas Company d/b/a Eversource Energy (“Eversource” or “Respondent”) pursuant to 220 CMR 69.03 and Delegation Order, D.P.U. 18-44-A (2018).

On May 23, 2019, an inspector from the Division conducted a main tie-in inspection at Eversource’s facilities at Taft Hill Rd., Uxbridge. The Division conducted the inspection pursuant to G.L. c.164, §§ 76 and 105A and 220 CMR 69.02. As discussed in further detail

below, the Division has reason to believe that Respondent may have violated 49 C.F.R.

Part 192 ("Part 192").

I. ALLEGATIONS

On May 23, 2019, the Division conducted an inspection of a main tie-in at Taft Hill Rd. and Douglas St. in Uxbridge. Upon preparation for the tie-in, the Eversource crews were unable to locate the tracer wire for the tie-in point. The [REDACTED] [REDACTED] ("MDPE") main was installed along Douglas Street, and a stub was installed in 2005 for the Taft Hill Road project. Upon completion of the inspection, an exit interview was conducted, and the lack of tracer wire was noted. Eversource would return at a later date and excavate to ensure compliance. In response to the Exit Letter issued on May 23, 2019, Eversource stated, upon further investigation, "The Company crew discovered a tracer wire was installed with the stub in 2005 however a corroded fitting that connected the tracer wire on the main to the tracer wire on the stub was causing a loss of signal to the tracer wire on the stub." Eversource also provided a picture of the corroded tracer wire.

Based on the inspection and Exit Letter response, the Division has reason to believe that Respondent's failure to properly install the tracer wire in 2005 may be in violation of certain sections of federal pipeline safety regulations, Part 192. The alleged violations of Part 192 are as follows:

1. Part 192 § 192.13(c) What general requirements apply to pipelines regulated under this part?
 - (c) Each operator shall maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under this part.
2. Part 192 § 192.321(e) Installation of plastic pipe

(e) Plastic pipe that is not encased must have an electrically conducting wire or other means of locating the pipe while it is underground. Tracer wire may not be wrapped around the pipe and contact with the pipe must be minimized but is not prohibited. Tracer wire or other metallic elements installed for pipe locating purposes must be resistant to corrosion damage, either by use of coated copper wire or by other means.

3. Part 192 § 192.805(h) Qualification Program

(h) After December 16, 2004, provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities; and

II. PROPOSED CIVIL PENALTY

Under G.L. c. 164, § 105A, Eversource is subject to a civil penalty not to exceed \$200,000 for each violation for each day that the violation exists, up to a maximum of \$2,000,000 for any related series of violations.

In determining the amount of the civil penalty, the Division shall consider the following, pursuant to G.L. c. 164, § 105A: the appropriateness of the penalty to the size of the business of the person, firm, or corporation charged; the gravity of the violation; and the good faith of the person, firm, or corporation charged in attempting to achieve compliance, after notification of a violation.

In the present matter, the Division has reviewed the circumstances of the allegations and is prepared to resolve this matter upon Eversource's agreement to the terms in the attached Consent Order and payment of a civil penalty in the amount of \$20,000.

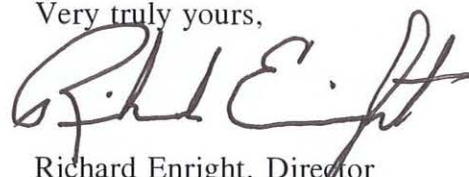
III. RESPONSE TO THIS NOPV

Within 30 days of receipt of this NOPV, Eversource shall respond to the Division in one of the following ways, pursuant to 220 CMR 69.04:

1. Sign and return the attached Consent Order, thus agreeing to remit payment of the civil penalty by check or money order made payable to the Commonwealth of Massachusetts;
2. Submit an offer in compromise of the proposed civil penalty under 220 CMR 69.04(2);
3. Request an informal conference under 220 CMR 69.05; or
4. Submit a written reply to the Division disputing the allegation(s) contained in the NOPV. The reply must include a complete statement of all relevant facts and authority and full description of the reasons why the Respondent disputes the allegation(s) contained in the NOPV.

Failure to respond within 30 days of receipt of this NOPV will be deemed an admission to the allegations contained herein and a waiver of Eversource's right to contest the allegations. If Eversource fails to respond within 30 days, the Department may, without further notice, find the facts to be as alleged herein and issue a final Order, pursuant to 220 CMR 69.04(3).

Very truly yours,



Richard Enright, Director
Pipeline Safety Division

Enclosures: Consent Order
Compliance Agreement

Cc: Kerry Britland, Eversource Energy
Danielle Winter, Esq., Keegan Werlin (email only)
Laurie Ellen Weisman, Division Counsel
Michael Conkey, Public Utilities Engineer



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

CONSENT ORDER

January 13, 2020

D.P.U. 19-PL-09

In the matter of NSTAR Gas Company d/b/a Eversource Energy

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 NSTAR Gas Company d/b/a Eversource Energy ("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 (2017).
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. 19-PL-09, dated January 13, 2020, 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) What general requirements apply to pipelines regulated under this part?

Part 192, § 192.321(e) Installation of plastic pipe.

Part 192 § 192.805(h) Qualification Program.

3. Pursuant to G.L. c. 164, § 105A, the Division hereby imposes upon the Respondent a civil penalty in the amount of \$20,000 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 \$20,000 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: _____

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

NSTAR Gas Company d/b/a Eversource Energy

Kevin Kelley
Vice President, Gas Operations
Eversource Energy

Date: _____

COMPLIANCE AGREEMENT
BETWEEN THE DEPARTMENT OF PUBLIC UTILITIES
AND NSTAR GAS COMPANY D/B/A EVERSOURCE ENERGY

D.P.U. 19-PL-09

NSTAR Gas Company d/b/a Eversource Energy ("Eversource") agrees to take the following actions within the specified time periods:

1. Within 60 days of the effective date of this Order, Eversource shall identify the crew responsible for the installation of the corroded tracer wire at Taft Hill Road and Douglas Street and verify tracer wire connections at their ten previous installations of plastic pipe. This shall be accomplished by connectivity checks; re-digs may be required upon findings. A representative of the Department must be present during verifications.
2. Within 90 days of the effective date of this Order, Eversource shall supply the Department with documentation to show compliance with Item 1.
3. Within 30 days of the effective date of this Order, Eversource shall pay a civil penalty of \$20,000 to the Commonwealth of Massachusetts.