



THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

CHARLES D. BAKER  
GOVERNOR

KARYN E. POLITO  
LIEUTENANT GOVERNOR

KATHLEEN A. THEOHARIDES  
SECRETARY OF ENERGY  
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION  
BOSTON, MA 02110  
(617) 305-3500

MATTHEW H. NELSON  
CHAIR

ROBERT E. HAYDEN  
COMMISSIONER

CECILE M. FRASER  
COMMISSIONER

**NOTICE OF PROBABLE VIOLATION**  
**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

January 17, 2020

D.P.U. 19-PL-20

Mr. Mark Kempic  
President & Chief Operating Officer  
Columbia Gas of Massachusetts  
4 Technology Drive, Ste 250  
Westborough, MA 01581

Re: [REDACTED] Lawrence (8.6.19)

Dear Mr. Kempic:

The Pipeline Safety Division ("Division") of the Department of Public Utilities ("Department") issues this Notice of Probable Violation ("NOPV") to Bay State Gas Company d/b/a Columbia Gas of Massachusetts ("CMA" or "Company" or "Respondent") pursuant to 220 CMR 69.03 and Delegation Order, D.P.U. 18-44-A (2018). This NOPV arises from the Division's inspection of a service including the interior meter assembly at [REDACTED] [REDACTED] Lawrence, following a June 20, 2019 fire at the location. The Division conducted the inspection pursuant to G.L. c.164, §§ 76 and 105A and 220 CMR 69.02. As

discussed in detail below, the Division has reason to believe that Respondent may have violated 49 C.F.R. Part 192 ("Part 192").

I. FINDINGS

On August 6, 2019, the Division conducted an inspection of [REDACTED] Lawrence, following a June 20, 2019 fire at the location. The inspection included the review of CMA procedures, records, mapping, and visual inspection of the meter and related piping. On August 30, 2019, the Division issued an information request to CMA, and CMA responded on September 16, 2019, by providing copies of service records. On November 8, 2019, the Division issued an Exit Letter outlining preliminary findings from the inspection, to which the Company responded with further information on December 6, 2019.

The results of the inspection and review of the records indicate that service to the property had been discontinued and the meter locked on May 27, 2016, for nonpayment by the customer. CMA procedure GS 1742.010 - Discontinuing Gas Service, § 3.1.1, states that service lines that have had gas discontinued may have the meter remain in place for up to 24 months. In response to the Division's Exit Letter, CMA indicated that it must rely on a customer or occupant to provide access to an inside meter, such as this one. CMA stated that it had made three attempts in 2018 and 2019 to gain access and remove the meter, but that the technician had been unable to do so each time. CMA further stated that its initial attempt to remove the meter was made in August 2018, which was over the allowed 24-month timeline per Company procedures. As of August 6, 2019, the meter was still in place.

## II. ALLEGATIONS

Based on the investigation, the Division has reason to believe that Respondent's failure to remove the interior meter assembly from the premises within 24 months of when the service was discontinued may be in violation of certain sections of its procedures and federal pipeline safety regulations, Part 192. The alleged violations of Part 192 are as follows:

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

- (a) Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response.

## III. PROPOSED CIVIL PENALTY

Under G.L. c. 164, § 105A, CMA 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 CMA's agreement to the terms in the attached Consent Order and payment of a civil penalty in the amount of \$10,000.

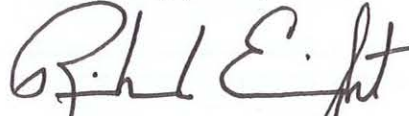
IV. RESPONSE TO THIS NOPV

Within 30 days of receipt of this NOPV, CMA 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 CMA's right to contest the allegations. If CMA 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).

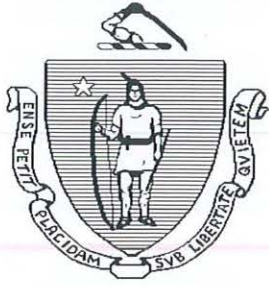
Very truly yours,



Richard Enright, Director  
Pipeline Safety Division

Enclosures: Consent Order  
Compliance Agreement

Cc: Katherine Silver, Columbia Gas  
Meggan Birmingham, Columbia Gas (Email Only)  
Shaela McNulty Collins, Columbia Gas (Email Only)  
Laurie Ellen Weisman, Division Counsel



# The Commonwealth of Massachusetts

## DEPARTMENT OF PUBLIC UTILITIES

### CONSENT ORDER

January 17, 2020

D.P.U. 19-PL-20

In the matter of Columbia Gas of Massachusetts

---

#### **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 Columbia Gas of Massachusetts ("CMA" or "Company" 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 (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-20, dated January 17, 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, § 605(a)**

3. Pursuant to G.L. c. 164, § 105A, the Division hereby imposes upon the Respondent a civil penalty in the amount of \$10,000 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 \$10,000 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 C. Wallace, Director  
Pipeline Safety Division  
Department of Public Utilities

Date: \_\_\_\_\_

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

**COLUMBIA GAS OF MASSACHUSETTS**

\_\_\_\_\_  
Mark Kempic  
President & Chief Operating Officer

Date: \_\_\_\_\_



COMPLIANCE AGREEMENT  
BETWEEN THE DEPARTMENT OF PUBLIC UTILITIES  
AND COLUMBIA GAS OF MASSACHUSETTS

D.P.U. 19-PL-20

Columbia Gas of Massachusetts (“CMA”) agrees to take the following actions within the specified time periods:

1. Within 45 days of the effective date of this Order, CMA shall provide training to appropriate field personnel on this incident.
2. Within 60 days of the effective date of this Order, CMA shall provide the Division with documentation demonstrating compliance with Item 1.
3. Within 90 days of the effective date of this Order, CMA shall conduct a thorough review of all discontinued services particularly those with interior meter sets.
4. Within 120 days of the effective date of this Order, CMA shall provide the Division with documentation demonstrating compliance with Item 3.
5. Within 120 days of the effective date of this Order, CMA shall remove all interior meter sets on discontinued services that do not comply with GS 1740.010, §3.1.1.
6. Within 150 days of the effective date of this Order, CMA shall provide the Division with documentation demonstrating compliance with Item 5.
7. Within 180 days of the effective date of this Order, CMA shall revise abandonment procedures to include further action taken for removal of equipment when customers are non-compliant, or access cannot be gained.
8. Within 200 days of the effective date of this Order, CMA shall provide the Division with documentation demonstrating compliance with Item 7.
9. Within 30 days of the effective date of this Order, CMA shall pay a civil penalty of \$10,000 to the Commonwealth of Massachusetts.