

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET NW, SUITE 200, WEST TOWER
WASHINGTON, DC 20005

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DISTRICT OF COLUMBIA
PUBLIC SERVICE COMMISSION

ORDER

July 27, 2009

VIO 08-3, IN THE MATTER OF THE INVESTIGATION INTO THE
NOTICE OF PROBABLE VIOLATION 0803, ISSUED TO WASHINGTON GAS
LIGHT COMPANY; Order No. 15340

I. INTRODUCTION

1. By this Order, the Public Service Commission of the District of Columbia (“Commission”) directs Washington Gas Light Company (“WGL” or “Company”) to clarify its position, regarding training and certification, by responding to the questions in paragraph three (3) of this order below. WGL shall provide its responses in writing within ten (10) days from the date of this order. Alternatively, WGL may pay the \$20,000 penalty and this matter shall be closed.

II. DISCUSSION

2. On April 3, 2008, the Commission’s Office of the Deputy Executive Director for Regulatory Matters’ Office of Engineering (“OE”) issued several notices of probable violation (“NOPV”), including NOPV 0803 for training and certification violations.¹ In the case of NOPV 0803, the fine levied against WGL was \$20,000. WGL appealed the NOPVs to the Commission and, upon review, the Commission withdrew all of the NOPVs except a portion of NOPV 0803.² WGL was advised that it could either pay the \$20,000 fine or request a compromise. On May 18, 2009, WGL chose the latter option and requested that the Commission reduce the fine to five hundred (\$500) dollars.³ According to WGL, the technician in question “was trained to work on leaking fittings, as evidenced by his qualifications on Covered Task Summary (“CTS”) 1101, Cast Iron Joints – Sealing, and had been qualified since 2002.”⁴ WGL concedes that the

¹ Notice of Probable Violation (“NOPV 0803”), issued April 3, 2008 (training and certification violations).

² Vio 0803, In the Matter of the Investigation Into the Notices of Probable Violations 0803, Issued to Washington Gas Light Company (“Vio 0803”), Order No. 15260, issued May 8, 2009 (“Order No. 15260”).

³ Vio 0803, Washington Gas Light Company’s Request for Compromise, filed May 18, 2009, at 3 (“WGL’s Compromise Request”).

⁴ WGL’s Compromise Request at 2.

technician's certification had lapsed for a three-week period just prior to the OE's inspection but argues that a three-week lapse in certification is not the same as being untrained, does not put the public in jeopardy, and does not warrant a \$20,000 fine.⁵

3. WGL's response focuses on the assertion that the technician was trained to work on leaking fittings. However, the response overlooks the NOPV's implicit assumption that WGL is required to maintain the operator's qualifications to perform the task, as well as the full listing of CTSs for Encapsulation repairs, at the job site. The NOPV specifically states that the work being done was to repair a leaking fitting; that there was no documentation showing that the operator was qualified to work on leaking fittings; and that the only reference material on the job site was for non-leaking fittings. In light of the above, we require further clarification of WGL's position and direct the company to respond to the questions below within ten (10) days from the date of this order:

- a. What Covered Task Summary procedures, if any, were available at the work site at 3219 Quesada Street NW, Washington, DC during the June 11, 2007 inspection date? Provide a copy of the procedures.
- b. If no Covered Task Summaries were available at the work site on the date of the incident, what is the legal basis for WGL's failure to have Covered Task Summaries available at the work site?
- c. What Covered Task Summary procedures were provided to the Inspector?
- d. When and how were they provided to the Inspector?
- e. What procedures were available on-site specifically for leaking fittings?
- f. Was the technician trained on the leaking fitting procedures prior to the inspection date? Was that information at the worksite?

THEREFORE, IT IS ORDERED THAT:

4. WGL shall submit written responses to the questions enumerated in paragraph three (3) of this order and provide documentation, if there be any, in support of its position on a compromise in the penalty for the remaining portion of NOPV 0803; and

5. The written responses shall be made within ten (10) days of the date of this order; or

6. WGL shall submit payment of the \$20,000 penalty within ten (10) days of the date of this order.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:

CHIEF CLERK:


DOROTHY WIDEMAN
COMMISSION SECRETARY

⁵ WGL's Compromise Request at 2.