

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1325 G STREET, NW, SUITE 800
WASHINGTON, DC 20005**

ORDER

October 15, 2020

**FORMAL CASE NO. 1157, IN THE MATTER OF THE INVESTIGATION INTO
WASHINGTON GAS LIGHT COMPANY'S COMPLIANCE WITH THE
RECOMMENDATIONS OF THE NATIONAL TRANSPORTATION SAFETY BOARD,
Order No. 20643**

I. INTRODUCTION

1. By this Order, the Public Service Commission of the District of Columbia ("Commission") denies Washington Gas Light Company's ("WGL" or "Company") Application for Reconsideration.¹ Alternatively, the Commission grants WGL's request for modification of paragraph 30 of Order No. 20608. The Commission modifies Order No. 20608 paragraph 30 consistent with this order. Additionally, the Commission denies WGL's Motion for Leave to File Reply to the Office of the People's Counsel for the District of Columbia's ("OPC") Response in Opposition to WGL's Application for Reconsideration² and OPC's Motion for Leave to File a Reply to WGL's Motion for Leave to File Reply.³

II. BACKGROUND

2. On April 24, 2019, the National Transportation Safety Board ("NTSB") adopted its report, *Building Explosion and Fire, Silver Spring, Maryland, August 10, 2016*, NTSB/PAR-19/01, which described the NTSB investigation, conclusions, and recommendations to improve pipeline safety. The NTSB Report provided several safety recommendations to various entities, including WGL and the Commission.⁴ The NTSB recommended that the Commission audit and verify the performance of WGL's mercury service regulator replacement program, including its

¹ *Formal Case No. 1157, In the Matter of the Investigation into Washington Gas Light Company's Compliance with the Recommendations of the National Transportation Safety Board* ("Formal Case No. 1157"), Washington Gas Light Company's Application for Reconsideration and/or Modification of Order No. 20608 ("Application"), filed September 14, 2020.

² *Formal Case No. 1157*, Washington Gas Light Company's Motion for Leave to File Reply to the Office of the People's Counsel for the District of Columbia's Response in Opposition to Washington Gas Light's Application for Reconsideration of Order No. 20608, filed October 2, 2020 ("WGL's Motion for Leave to Reply").

³ *Formal Case No. 1157*, The Office of the People's Counsel for the District of Columbia's Motion for Leave to Reply to Washington Gas Light's Motion for Leave to Reply, filed October 13, 2020 ("OPC's Motion for Leave to Reply").

⁴ *Formal Case No. 1157*, NTSB's Report at 42-43.

recordkeeping, once the program is completed; and oversee the replacement process for the mercury service regulators that WGL has in service.⁵

3. In response to NTSB's recommendations, by Order No. 19982 the Commission opened an investigation into WGL's implementation of the actions recommended by the NTSB and directed WGL to file a detailed implementation plan outlining the replacement process for mercury service regulators in the District of Columbia.⁶ By Order No. 20608, the Commission approved WGL's updated implementation plan and established compliance requirements to assist the Commission's oversight.⁷ Order No. 20608 requires the Company to, *inter alia*, notify the Commission's Office of Compliance Enforcement Staff at least five business days before any work that requires vent lines to be pump tested, for both MSR or Regulator Stations, or requires pressure testing of the vent line where the meter is inside the premises or structure.⁸ Additionally, the Company is required to update its Daily Location Sheets to include an identification of the person who meets the Operator Qualification ("OQ") standard for each site when applicable.⁹

4. On September 14, 2020, WGL filed an application for reconsideration, or in the alternative, modification of Order No. 20608.¹⁰ On September 21, 2020, OPC filed a response in opposition to WGL's request.¹¹ On October 2, 2020, WGL filed a Motion for Leave to File Reply to OPC's response in opposition. On October 15, 2020, OPC filed a Motion for Leave to File Reply to WGL's Motion for Leave to File Reply.

⁵ *Formal Case No. 1157*, Email Letter from NTSB to the Chairman of the Public Service Commission, dated June 10, 2019. A mercury service regulator ("MSR") is a gas pressure regulator with a mercury cup containing two teaspoonfuls of elemental mercury that act as a seal to the relief vent in the event of a gas pressure surge. MSRs found in some homes built before 1968, are always positioned horizontally with a mercury cup underneath to hold the liquid mercury content (spring-activated regulators are positioned vertically). Like spring-activated gas regulators, MSRs regulate the flow of gas into homes and appliances by reducing the pressure of natural gas in the mains to the low pressure used in home gas piping.

⁶ *Formal Case No. 1157*, Order No. 19982, ¶¶1, 3, rel. August 1, 2019.

⁷ *Formal Case No. 1157*, Order No. 20608, rel. August 14, 2020 ("Order No. 20608").

⁸ Order No. 20608 ¶30.

⁹ Order No. 20608 ¶30.

¹⁰ Application.

¹¹ *Formal Case No. 1157*, Office of the People's Counsel for the District of Columbia's Response in Opposition to Washington Gas Light Company's Application for Reconsideration of Order No. 20608, September 21, 2020 ("OPC's Opposition").

III. DISCUSSION

5. Generally, WGL supports Order No. 20608.¹² However, WGL seeks reconsideration and/or modification of two compliance requirements in paragraph 30.¹³ First, the Company requests the Commission reconsider or modify the five-day notice requirement for work that requires vent lines to be pump tested or pressure tested.¹⁴ WGL asserts that the requirement could potentially create a prolonged service interruption to customers and hinder the Company's ability to provide reliable service to customers.¹⁵ WGL asserts during routine or emergency service there are instances that require the Company to immediately perform work subject to the five-day notice requirement.¹⁶ The Company argues that the requirement would prevent it from providing same-day maintenance. Additionally, the Company asserts that it may be required to terminate customers service until it meets the requirement and wait the five-day period to begin work.¹⁷ OPC does not object to any modifications in the order that serve to avoid undue delay or lengthy service interruptions.¹⁸

6. The notice requirement in Order No. 20608 is based on the notice requirement in rule 2395.2(h). Both requirements are implicitly addressing scheduled work, not unscheduled emergency work or necessary and previously unknown repairs that are discovered in a scheduled visit. To address this situation, any emergency or necessary work previously unknown to the company shall be completed and WGL shall notify OCE within five days after the work has been completed.

7. Secondly, the Company requests the Commission to reconsider the requirement to identify the person who meets the OQ standard on each daily location sheet when applicable.¹⁹ Once more the Company asserts that routine or emergency work sometimes requires same-day replacement. As such, and for the previously asserted reasons, the Company believes the requirement will inconvenience customers, prevent the Company from providing reliable and safe service, and could result in the temporary termination of services.

8. WGL suggests the Commission modify the requirements to include, "For locations that do not have requisite 5 days scheduled lead time, upon request, the Company will provide

¹² Application at 4.

¹³ Application at 4.

¹⁴ Application at 4.

¹⁵ Application at 4.

¹⁶ Application at 4.

¹⁷ Application at 5.

¹⁸ OPC's Opposition at 5.

¹⁹ Application at 5-6.

those locations where replacements were completed, including the technician who completed the orders, and that active OQs for that technician at the time the work was completed.”²⁰ WGL contends that this modification will allow the Commission to fulfill its audit requirements while elevating the burden created for customers and the Company.²¹

9. OPC contends that WGL’s proposed revisions exceed what is necessary to achieve WGL’s stated outcome.²² OPC asserts that changes would eliminate the requirement to identify the OQ-certified individual from the Daily Location Sheet.²³ OPC argues that any revisions to the Company’s compliance obligations should ensure “that MSR removal work is performed by properly-qualified technicians.”²⁴ Additionally, the changes should ensure “the Commission receives all information necessary to ensure compliance with this directive.”²⁵

10. It is essential that the Commission know the identity of person(s) who meet the OQ at sites where work is being performed. To the extent work is completed without a Daily Location Sheet or there are modifications to Daily Location Sheet work, WGL is to provide OCE with the identity of workers who meet the OQ within five days after the work has been completed.

11. The Commission has a duty to ensure WGL is complying with the NTSB recommendations. While executing its duty, the Commission does not intend to disrupt WGL’s ability to provide reliable service to the District’s customers. Additionally, the Commission agrees with OPC that the proposed revisions proffered by WGL exceed the necessary revisions to address the issue. Accordingly, the Commission modifies the relevant portion of Order No. 20608 paragraph 30 to state:

The Company shall notify the Commission’s Office of Compliance Enforcement Staff at least five business days before any work that requires vent lines to be pump tested or requires pressure testing of the vent line where the meter is inside the premises or structure. For work that is scheduled and completed less than five business days in advance, the Company shall notify the Commission’s Office of Compliance Enforcement Staff of the work completed and the active OQs for the technician that performed the work, no later than 5 days of the completion of such work.... Additionally, the Company shall update its Daily Location Sheets to include an identification of the person(s) who meets the OQ for each site when applicable. In

²⁰ Application at 7.

²¹ Application at 6-7.

²² OPC’s Opposition at 2.

²³ OPC’s Opposition at 6.

²⁴ OPC’s Opposition at 7.

²⁵ OPC’s Opposition at 7.

instances where same day work is completed without a Daily Location Sheet or changes in the field require the Company to alter Daily Location Sheet work, the Company shall notify the Commission's Office of Compliance Enforcement Staff of the work completed and identify the person(s) who meet the OQ for the completed work no later than 5 days of the completion of such work.

12. The modification to the relevant portion of Order No. 20608 will allow the Commission to continue to monitor WGL's compliance with the NTSB recommendations without impeding WGL's ability to provide reliable service to customers.

13. Since we acknowledge, after reviewing the WGL's Request for Reconsideration and/or Modification of Order No. 20608, that it was implied that the prior notice requirement in Paragraph 30 involved scheduled work, it is unnecessary to entertain WGL's reply to OPC's opposition. Therefore, we deny WGL's Motion for Leave to Reply to OPC's Opposition to WGL's Application for Reconsideration and/or Modification of Order No. 20608. Since OPC's Motion for Leave to Reply is based on WGL's Motion for Leave to Reply, which we denied, it too is denied.²⁶

THEREFORE, IT IS ORDERED THAT:

14. Washington Gas Light Company's Application for Reconsideration of Order No. 20608 is **DENIED**;

15. Washington Gas Light Company's request for modification of Order No. 20608 is **GRANTED**;

16. Order No. 20608 paragraph 30 is **MODIFIED** consistent with this Order; and

17. Washington Gas Light Company's Motion for Leave to Reply to the Office of the People's Counsel's Opposition and the Office of the People's Counsel for the District of Columbia's Motion for Leave to Reply to the Washington Gas Light Company's Motion for Leave to Reply are **DENIED**.

A TRUE COPY:

BY DIRECTION OF THE COMMISSION:



CHIEF CLERK:

**BRINDA WESTBROOK-SEDGWICK
COMMISSION SECRETARY**

²⁶ Although the 10-day period allowed by 15 DCMR §105.8 for filing of answers has not yet expired as to OPC's Motion for Leave to Reply, due to a desire to not further delay implementation of critical safety oversight, the Commission deems it administratively expedient and necessary to rule on this request prior to the 10-day answer period. See, 15 DCMR §105.10, permitting the Commission to act without awaiting responses, when considered necessary.