**PENNSYLVANIA**

**PUBLIC UTILITY COMMISSION**

**Harrisburg, PA 17120**

Public Meeting held October 29, 2020

Commissioners Present:

Gladys Brown Dutrieuille, Chairman

David W. Sweet, Vice Chairman

John F. Coleman, Jr.

Ralph V. Yanora

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| Pennsylvania Public Utility Commission,  Bureau of Investigation and Enforcement  v.  UGI Utilities, Inc. – Gas Division | C-2018-3005151 |

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a Joint Petition for Approval of Settlement (Settlement) filed on September 1, 2020, by the Commission’s Bureau of Investigation and Enforcement (I&E) and UGI Utilities, Inc. – Gas Division (UGI or the Company) (collectively, the Parties), with respect to the Formal Complaint (Complaint) filed by I&E against UGI on October 4, 2018. Both Parties also submitted Statements in Support of the Settlement. For the reasons set forth herein, we shall approve the Settlement as filed.

# History of the Proceeding

On October 4, 2018, I&E filed proprietary and non-proprietary versions of its Complaint against UGI.[[1]](#footnote-2) The Complaint concerned a natural gas-fueled explosion that occurred on July 2, 2017, at 206 Springdale Lane, Millersville, Pennsylvania, which resulted in one fatal injury to an employee of UGI, non-life-threatening injuries to three other individuals, and approximately $2.2 million in damage to the surrounding properties on the Springdale Lane cul-de-sac. Settlement at 3. In the Complaint, I&E alleged that UGI committed violations of the Commission’s Regulations at 52 Pa. Code § 59.33(b), and several provisions in Parts 191 and 192 of Title 49 of the Code of Federal Regulations (C.F.R.), specifically, 49 C.F.R. §§ 191.5, 192.13(c), 192.605(a), and 192.615. Complaint at 18-22. I&E requested that the Commission, *inter alia*, impose a civil penalty of $2,090,022 on the Company. *Id*. at 22.

On October 18, 2018, UGI filed an unopposed motion seeking an extension of time to answer I&E’s Complaint.

By Secretarial Letter issued October 19, 2018, the Commission granted UGI’s request for an extension of time until November 19, 2018 to file an Answer to I&E’s Complaint.

On November 16, 2018, UGI filed proprietary and non-proprietary versions of its Answer to I&E’s Complaint, denying the material allegations in the Complaint, specifically that it committed any violations of the Commission’s Regulations or the C.F.R. in connection with the July 2, 2017 natural gas explosion that occurred in the Springdale Farms residential development in Millersville, Lancaster County, Pennsylvania.[[2]](#footnote-3) Answer at 1. UGI’s Answer also raised New Matter. In its New Matter, UGI averred that I&E’s Complaint does not identify any specific violations of the Commission’s Regulations or the C.F.R., but rather, requested that UGI take actions that are not predicated on compliance with existing Federal pipeline safety regulations and Commission Regulations, which would deprive UGI and any other natural gas distribution company of fundamental fairness by imposing new requirements that are not already set forth in existing regulations. *Id*. at 16-18.

On December 6, 2018, I&E filed a Reply to New Matter generally denying the material averments in UGI’s New Matter.

The Parties entered into negotiations and agreed to resolve this matter in accordance with the Commission’s policy to promote settlements at 52 Pa. Code § 5.231. As previously indicated, the Parties filed the instant Settlement on September 1, 2020.

# Background

On July 2, 2017, at 11:00 a.m.,[[3]](#footnote-4) in response to an odor complaint in the vicinity of 206 Springdale Lane (the adjacent residence is 202 Springdale Lane), a UGI service technician (First Responder) arrived to investigate and confirm the presence of a natural gas leak. Upon confirming that the leak source was at 206 Springdale Lane, the First Responder contacted the UGI Duty Supervisor to report the presence of a hazardous leak, based on the high percentage of gas identified, and to request the presence of additional personnel.[[4]](#footnote-5) In anticipation of an excavation at the site, the Duty Supervisor contacted UGI’s dispatch at approximately 11:20 a.m. and requested that an emergency locate request be made to the Pennsylvania One Call System, Inc. (PA One Call). The PA One Call ticket was issued at 11:27 a.m. Complaint at 7.

After speaking with UGI’s dispatch, the Duty Supervisor attempted to assemble several members of UGI’s Lancaster on-call crew to respond to the leak. After several attempts to contact on-call personnel, a UGI Construction and Maintenance Mechanic (CMM1) answered the Duty Supervisor’s call and later responded to the scene. Complaint at 8.

The First Responder’s initial attempts to gain entry to 206 Springdale Lane were unsuccessful; however, the First Responder was permitted inside the adjacent home at 202 Springdale Lane by one of its residents. Upon checking the interior of the home at various places with leak detection equipment, the First Responder advised the residents at 202 Springdale Lane that it would be safe to remain inside the home. *Id*.

The occupant of 206 Springdale Lane finally responded at approximately 11:55 a.m. to the First Responder’s many attempts to gain access to the home. Based on the gas percentage readings in the home, the First Responder decided to evacuate the home. The occupant requested permission to drive her personal vehicle out of the garage. Shortly thereafter, the First Responder manually opened the garage door and allowed the occupant to start her vehicle, whereby, the occupant partially drove out of the garage before stopping to reenter the residence for something she had forgotten. Shortly after noon the occupant exited the garage in her vehicle and departed the area. Complaint at 9‑10.

In response to UGI’s request to PA One Call, a Lancaster Area Sewer Authority (LASA) employee arrived on scene at approximately noon, to mark the location of the sewer lines. Complaint at 10.

Shortly after 12:00 p.m., the Duty Supervisor also arrived at the scene, at which time he made an assessment that the fire department was needed, and at 12:14 p.m., he called UGI’s dispatch to request assistance from the local fire department. *Id*.

Shortly thereafter, CMM1 arrived and assisted the Duty Supervisor by hand digging upstream of the service tee and over the distribution main to excavate a hole for the “squeeze off” tool.[[5]](#footnote-6) *Id*. At 12:27 p.m., while the main line was being excavated, the Manor Township Fire Department arrived and assumed a stand-by position. Complaint at 10-11.

At approximately 12:31 p.m., a natural gas-fueled explosion occurred at the single-family residence located at 206 Springdale Lane. As a result of the explosion, the First Responder was fatally injured, and three other individuals sustained non-life-threatening injuries: two UGI employees (the Duty Supervisor and CMM1) and the representative from LASA. Complaint at 11; Settlement at 2. In addition to demolishing the residence at 206 Springdale Lane, the explosion severely damaged two neighboring homes. Pursuant to the incident report submitted by UGI to the Pipeline and Hazardous Materials Safety Administration (PHMSA) on June 29, 2020, the Company determined that property damage amounted to $2,232,000. Settlement at 3.

Approximately twenty-eight minutes after the explosion, UGI’s dispatcher contacted PPL Electric Utilities (PPL) to request that electricity be shut off in the area, which was accomplished approximately nine minutes later. Complaint at 12. At 1:50 p.m., approximately one hour and nineteen minutes after the explosion, UGI notified the National Response Center (NRC) of the incident. Complaint at 12-13.

Following the incident, UGI shut off the valve located on Burr Oak Drive and Springdale Lane and waited for the remaining pressurized gas to dissipate out of the line. Leak surveys were then performed by UGI in the surrounding buildings and around the cul-de-sac of Springdale Lane, all of which showed negative readings inside the structures. Complaint at 12-13. Additionally, the natural gas mains and service pipelines for the cul-de-sac homes were tested with air pressure. All segments held pressure, except for the service line at the 206 Springdale Lane connection at the main. Subsequent inspection of the mechanical tapping tee assembly revealed that two of the four nylon bolts had fractured, allowing the tee to separate from the 2-inch main and natural gas to escape. Complaint at 13. At the time of the incident, the operating pressure of the line was 54 pounds per square inch gauge (psig), as measured at the closest monitoring point. Complaint at 6.

As a result of this incident, I&E’s Safety Division responded to the scene and conducted an in-depth investigation.[[6]](#footnote-7) Based on the results of its investigation, I&E filed its Complaint against UGI on October 4, 2018, pursuant to Section 701 of the Public Utility Code (Code), 66 Pa. C.S. § 701. I&E concluded that the Company’s actions, pertaining to the aforementioned events that occurred on July 2, 2017, amounted to nineteen counts of alleged violations of state and federal regulations. Complaint at 18‑22. Had this matter been litigated, I&E would have alleged several inadequacies present in UGI’s emergency procedures contained in UGI’s GOM that were in effect at the time of the incident. Specifically, I&E contended that UGI failed to follow its own procedures or failed to maintain adequate procedures directed towards the prioritization of protecting life and property, and eliminating hazards in that:

1. The First Responder entered and remained in a structure, 206 Springdale Lane, even after determining that the atmosphere inside the structure had an explosive level of natural gas with a reading of 11% natural gas;
2. The resident of 206 Springdale Lane was permitted to remain inside the residence despite an explosive level of natural gas and while the First Responder conducted an inside leak investigation;
3. The residents of 202 Springdale Lane were permitted to remain inside their home despite dangerous natural gas readings resulting in a hazardous condition;
4. UGI failed to prevent accidental ignition of gas as the resident of 206 Springdale Lane was permitted to start her vehicle and drive out of her garage on two occasions;
5. UGI did not contact PPL to turn off the electricity on the Springdale Lane cul-de-sac until well after the explosion despite the determination have been made of dangerous natural gas readings resulting in a hazardous condition;
6. UGI did not contact the local fire department for assistance until shortly prior to the explosion even though UGI detected 98% gas over the top of the tapping tee and 80% gas in the sewer manhole, which is twenty (20) times UGI’s threshold of a hazardous leak;
7. UGI’s on-call employees made multiple phone calls to each other while at the scene rather than allowing UGI’s dispatch to notify additional personnel and gather additional resources, delaying their efforts to react to a hazardous condition;
8. UGI’s primary focus was to repair the leak instead of properly reacting to the hazardous condition and shutting off the gas supply by first closing the valve;
9. The First Responder disassembled the meter set prior to the elimination of hazardous conditions;
10. The communication timeframe between UGI’s Duty Supervisor and on-call engineer was too lengthy given the emergent circumstances; and
11. Some of UGI’s on-call personnel did not respond to phone calls requesting their assistance at the scene.

Complaint at 18-19.

I&E noted that, if proven, the alleged UGI acts and omissions, above, would constitute eleven counts of violating 49 C.F.R. §§ 192.605(a) (requiring adherence to an operation, maintenance and emergency manual), 192.615 (pertaining to the contents of an emergency plan and requiring adherence to that plan), and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety laws and regulations as the minimum safety standards for natural gas distribution companies (NGDCs)). Complaint at 19-20.

I&E would have further contended that UGI’s emergency procedures are inadequate in that they do not specifically require or address searching for a gas leak in basements or crawl spaces. I&E noted that, if proven, this alleged omission would constitute a violation of 49 C.F.R. § 192.605(a) (requiring adherence to emergency plans that incorporate the factors in 49 C.F.R. § 192.615) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety laws and regulations as the minimum safety standards for NGDCs). Complaint at 20.

Counts thirteen through eighteen alleged the existence of further deficiencies in UGI’s GOM at the time of the incident, which I&E noted that, if proven, would constitute six counts of violating 49 C.F.R. §§ 192.13(c) (requiring maintenance of plans, procedures and programs that must be established under Federal pipeline safety regulations), 192.615(a)(5) (mandating that actions must be directed toward protecting people first and then property) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety laws and regulations as the minimum safety standards for NGDCs). Complaint at 20-21.

Finally, I&E’s nineteenth count is an alleged violation of 49 C.F.R. §§ 192.605(a) (requiring adherence to an operation, maintenance, and emergency manual), 191.5 (pertaining to immediate notice of certain incidents) and 52 Pa. Code § 59.33(b) (adopting the Federal pipeline safety laws and regulations as the minimum safety standards for NGDCs), predicated on the alleged failure of UGI’s dispatcher to notify the NRC of the explosion at the earliest practicable moment. Complaint at 21-22.

For relief, I&E requested, in part, that UGI pay a cumulative civil penalty of $2,090,022.[[7]](#footnote-8) The Complaint also proposed that UGI undertake the following corrective actions: (1) the construction of a training facility; (2) providing and facilitating education programs with each fire department located in the service territory; (3) revisions to emergency procedures contained in UGI’s GOM; (4) an evaluation of plastic mechanical tapping tees used by UGI in its distribution system; and (5) conducting quarterly leak surveys on all plastic mains that may contain plastic mechanical tapping tees, providing the reports to I&E Safety Division for a period of five years. Complaint at 22-24.

As previously indicated, UGI’s Answer addressed the above-mentioned counts of I&E’s Complaint and the relief sought. UGI generally denied the material allegations in the Complaint, contending that it did not violate the C.F.R. or the Commission’s Regulations, and requested that the Commission deny the Complaint. Answer at 1, 19.

# Terms and Conditions of the Settlement

The settling Parties indicate that the Settlement represents a compromise by both I&E and UGI of their respective competing positions in the Complaint proceeding, submitting that the Settlement is in the public interest and is consistent with the Commission’s Policy Statement at 52 Pa. Code § 69.1201, *Factors and standards for evaluating litigated and settled proceedings involving violations of the Public Utility Code and Commission regulations—statement of policy* (*Policy Statement*). Settlement at ¶¶ 20, 24. The Parties further state that the Settlement constitutes a carefully crafted package representing reasonably negotiated compromises on the issues addressed herein. Settlement at ¶ 26.

The Settlement consists of the Joint Petition for Approval of Settlement containing the terms and conditions of the Settlement and three appendices. Appendix A contains Proposed Ordering Paragraphs, while Appendices B and C to the Settlement are the Statements in Support of the Settlement submitted by I&E and UGI, respectively.

The essential terms and conditions of the Settlement are set forth in Sections III and IV. Settlement at 4-11. The settling Parties agreed to the following terms and conditions, with the original paragraph numbers maintained, as follows:

I&E and UGI, intending to be legally bound and for consideration given, desire to fully and finally conclude this litigation and agree that a Commission Order approving the Settlement without modification shall create the following rights and obligations:

1. **Civil Penalty:**

UGI will pay a civil penalty in the amount of One Million, One Hundred Thousand Dollars ($1,100,000.00) pursuant to 66 Pa. C.S. § 3301. Said Payment shall be made within thirty (30) days of the date of the Commission’s Final Order approving the Settlement Agreement and shall be made by certified check or money order payable to the “Commonwealth of Pennsylvania.” The docket number of this proceeding, C-2018-3005151, shall be indicated with the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary

Pennsylvania Public Utility Commission

Commonwealth Keystone Building

400 North Street

Harrisburg, PA 17120

The civil penalty shall not be tax deductible pursuant to Section 162(f) of the Internal Revenue Code, 26 U.S.C.S. § 162(f).

1. **Training Center:**

UGI has committed to the construction of a training center with a forecasted total project investment of $37.9 million and an estimated completion date in 2021. The training center is intended to enhance Company training and qualification of new and existing employees and contractors for the various tasks they are required to perform in the field. The facility will include a “leak city,” welding and excavation safety areas as well as classrooms. Emergency responders will be invited to attend emergency response training offered by the Company and to hold emergency response training using their own curriculum.

1. **Mechanical Tees:**

As part of its Distribution Integrity Management Program, UGI has an established program to identify and remediate Perfection Permalock Flat-Top Mechanical Tapping Tees (“Perfection Tapping Tees”) that were installed on the UGI system. Over the past 10 years, UGI has reported the results of its Perfection Tapping Tee remediation activities to I&E in an annual report. Post incident, UGI has accelerated the pace of this remediation work, spending $3.1 million in 2018 in the first full year after the incident. UGI currently conducts a semi-annual leak survey of all plastic mains that are likely to contain Perfection Tapping Tees (“Semiannual Leak Survey”).

Within six (6) months of entry of a final Commission Order, UGI agrees to: (1) provide I&E with a confidential study performed by an independent consultant to assess the effectiveness of UGI’s remediation procedures for Perfection Tapping Tees; (2) provide I&E with a high level map or list of addresses showing the likely locations of Perfection Tapping Tees that will be marked as “Confidential Security Information;” (3) UGI agrees to provide periodic reporting on a quarterly basis to I&E concerning its progress with respect to the remediation or replacement of Perfection Tapping Tees from the present time through December 31, 2024 ; and (4) in connection with the aforementioned reports, UGI agrees to provide information to I&E to evaluate the ongoing effectiveness of the Semiannual Leak Survey.

To the extent that Perfection Tapping Tees are discovered or otherwise remain a part of UGI’s facilities beyond December 31, 2024, UGI agrees to provide I&E with reports concerning UGI’s progress with respect to the remediation or replacement of these mechanical tapping tees on an annual basis. The reports should contain the same information that UGI is presently providing to I&E in the annual remediation activities report.

UGI further agrees to continue to budget mechanical tee remediation activities at no less than 2018 fiscal year levels for the 2020-2024 fiscal years. Prior to the end of the 2024 fiscal year, UGI will submit a study as part of a Long Term Infrastructure Improvement Plan or Annual Asset Optimization Plan proceeding proposing a future course for its mechanical tee remediation program.

1. **Emergency Response Training/Incident Command Structure:**

Post Incident, UGI implemented the following improvements to its emergency response training and outreach: (1) UGI developed a new emergency response training module entitled “A Shared View” to provide emergency responders with instruction and guidance on topics such as responding to natural gas and carbon monoxide emergencies, incident case studies, controlling ignition sources and gas valve operation; (2) UGI developed web-based training for emergency responders entitled “Energy Emergencies,” which provides emergency management personnel the ability to train, test and certify response to natural gas and electrical utility emergencies at no cost to emergency responders. “Energy Emergencies” is accredited by the Pennsylvania Fire Academy and used by local fire departments to train responders; (3) UGI increased advertising to a monthly basis in the Pennsylvania Fireman’s Magazine to promote “Energy Emergencies” and related information; and (4) UGI enhanced meetings with pipeline stakeholders to include Coordinated Response Exercise (“CORE”), where operators, emergency responders and public officials work through a series of emergency response/incident command decisions similar to a table top exercise.

Post incident, UGI implemented the following changes to emergency response training for its own personnel: (1) UGI developed a new annual training for its response personnel to include incident command structure (“ICS”) content for natural gas emergencies, which discusses key aspects of UGI’s first responder actions and decisions, ICS and role assignments and the priorities of emergency response; (2) UGI modified its Emergency Plan (“EP”) to incorporate principles of ICS for establishing priorities, levels of incidents based on severity and personnel required for each type of incident; (3) UGI implemented the Everbridge mass notification system for use during emergency situations to enhance coordination of emergency events; and (4) UGI required its field supervisors to complete Federal Emergency Management Agency (“FEMA”) 100 & 200 course work and certification to enhance knowledge and understanding of key ICS principles.

UGI agrees to: (1) continue training its own employees and contractors in accordance with certification requirements; (2) offer and advertise training (both online and in-person) to each fire department located in its service territory on natural gas emergencies and other first responder responsibilities; (3) track and record metrics around the specific fire departments who are invited and those who participate in UGI-sponsored training; and (4) collaborate with I&E to develop innovative ways to increase emergency responder participation in ICS training and UGI’s Public Awareness outreach and education programs, consistent with American Petroleum Institute Recommended Procedure 1162.

1. **Emergency Plan:**

Post incident, UGI implemented the following enhancements to its General Operations Manual (“GOM”) and EP: (1) UGI separated the EP

from its GOM; (2) UGI revised former GOM 60.50.30 (pertaining to Gas Leak Investigation and Management) and incorporated it into its EP; (3) the EP was revised to include checklists for emergency responders to help guide their efforts during the first hour of an emergency, during inside leak responses and during outside leak responses; (4) the EP redefines the responsibility of Central Dispatchers to help alleviate the burden of emergency responders around electricity shutdown, system isolation and communications; (5) UGI hired a consultant to study and make recommendations concerning the specific situations when local emergency responders should be called during a gas leak investigation; and (6) UGI revised its procedures to include safety perimeter criteria to provide additional guidance for removing the general public from a natural gas emergency.

UGI agrees to periodically re-evaluate its procedures and standards on an ongoing basis, but no less frequently than on an annual basis, and train and qualify personnel to the applicable standards. UGI agrees that the communication systems used in its dispatch and call center capture recordings of emergency communications.

1. **Electric Curtailment/Use of Valves to Shut Down Mains during Gas Emergencies:**

Post incident, UGI revised its EP to enhance procedures concerning electric curtailment and the use of valves to shut down gas flow during an emergency leak situation. The changes reinforce the first responder’s authority to shut valves and curtail electricity in appropriate circumstances during an emergency.

UGI agrees to: (1) evaluate its procedures on an on-going basis and train and qualify personnel to the applicable standards; (2) sponsor working meetings with electric utility providers in its service territory designed to improve coordination of electric shutdown during a gas emergency; (3) review valve shutdown criteria and implement procedural changes as appropriate and on a situational basis, *i.e*. mains serving cul-de-sacs or underground blowing gas situations; and (4) modify Duty Supervisor expectations to assess situations and preemptively prompt immediate response including the closing of valves and shutting down electricity. I&E agrees to review and recommend revisions to UGI’s procedures, as deemed appropriate by I&E, concerning electric curtailment and the use of valves to shut down gas flow during an emergency leak situation.

1. **Managing Atmospheric Gas Found in a Structure:**

Post incident, UGI developed and implemented revisions to its EP to enhance procedures around managing natural gas leaks inside structures. The procedures specify different levels of action depending on the level of gas concentration found inside a structure.

UGI agrees to continue to monitor industry trends to assess practices for electric shutdown and evacuation when gas is found inside a structure and will revise its EP if warranted. UGI agrees to revise its EP and/or GOM to evacuate buildings when a combination of gas in atmosphere is detected inside a structure and localized hazardous “C” leak readings are present outside the structure, indicating a leaking subsurface facility as the likely leak source. UGI will train and qualify personnel, as applicable, to any revised standard. I&E agrees to review and recommend revisions to UGI’s procedures, as deemed appropriate by I&E, concerning the management of atmospheric gas found inside of a structure.

1. **Removing Meters when Atmospheric Gas is Detected:**

UGI’s EP does not currently address the question of when, if ever, a gas meter may be removed in a gas emergency. UGI agrees to assess practices for removing a gas meter during an emergency and modify its procedures to situationally define when meter removal may specifically reduce risk, if appropriate. UGI will train and qualify personnel, as applicable, to any revised standard. I&E agrees to review and recommend revisions to UGI’s procedures, as deemed appropriate by I&E, concerning the removal of meters in gas emergencies.

1. **“Make-Safe” Requirements Prior to Placing an Emergency One Call Ticket:**

Post incident, UGI modified its GOM Excavation Procedures and EP to place the responsibility of making the call to the Pennsylvania One Call System on Central Dispatch to create an emergency one call ticket upon the direction of the first responder or other personnel responding to an emergency with the intention of alleviating burdens during emergency response activity. UGI agrees to train its employees in the “Make Safe” and emergency Pennsylvania One Call requirements incorporated into the GOM.

1. **Availability of “One Call” Operations and Engineering Personnel for Emergency Response:**

UGI has revised its EP procedures to establish requirements that the assigned “on call” engineering and operations personnel must be available 24 hours a day/7 days per week for each of its operating areas, including being accessible by telephone, having reasonable access to Company records and able to respond in a reasonably expeditious fashion. UGI agrees to clarify the dispatch procedures to provide that it is the responsibility of Central Dispatch to make necessary calls to the on call duty crew, engineer and other necessary personnel upon receipt of request from the first responder or other personnel located at the response site to dispatch such personnel.

1. **Identification of Valves Needed to Isolate Gas Flow during Hazardous Leak Events:**

UGI revised its EP to further clarify the types of grade “C” leaks that require the identification of the valve needed to isolate gas flow, including, but not limited to, underground blowing gas situations and rapidly migrating suspected mechanical tee failure. Additionally, UGI revised its EP to formally establish and outline the specific roles and responsibilities of the On Call Engineering Leader. I&E agrees to review and recommend revisions to UGI’s procedures, as deemed appropriate by I&E, concerning the identification of valves to isolate gas flow during hazardous leaks.

1. **Safety Perimeter during Abnormal Operating Conditions:**

UGI revised its EP to include a 330-foot zone of safety, or safety perimeter, for inside and outside leaks. UGI agrees to develop and insert into its EP a matrix of safety perimeters based on best practices using operating pressure and size of pipe to determine the size of the perimeter. I&E agrees to review and recommend revisions to UGI’s procedures, as deemed appropriate by I&E, concerning the safety perimeter matrix.

1. **Training:**

UGI agrees to train and qualify its personnel in the changes to the GOM and any additional changes that UGI implements.

19. Upon Commission approval of the Settlement in its entirety without modification, I&E shall be deemed to have released UGI from all past claims that were made or could have been made for monetary and/or other relief based on allegations associated with the July 2, 2017 incident.

Settlement at 4-9.

In addition to the specific terms to which the settling Parties have agreed, the Settlement contains certain general, miscellaneous provisions. The Settlement is conditioned upon Commission approval of the terms and conditions without modification. The Settlement establishes the procedure by which any of the Parties may withdraw from the Settlement and proceed to litigate this case if the Commission should act to modify the Settlement. Settlement at ¶ 22. As the Settlement does not make any findings of fact or conclusions of law, the Parties intend that the Settlement shall not be admitted as evidence in any potential civil proceeding involving this matter. Additionally, it is further understood that, by entering into this Settlement, UGI has made no concession or admission of fact or law and may dispute all issues of fact and law for all purposes in any other proceeding, including but not limited to any civil proceedings, that may arise as a result of the circumstances described in this Settlement. Nor may this Settlement be used by any other person or entity as a concession or admission of fact or law. Settlement at ¶ 23.

In addition, the Settlement is presented without prejudice to any position that any of the Parties may have advanced and without prejudice to the position any of the Parties may advance in the future on the merits of the issues in any other proceedings, except to the extent necessary to effectuate or enforce the terms and conditions of this Settlement. Furthermore, the Settlement provides that the Parties are not precluded from taking other positions in any other proceeding but is conclusive in this proceeding and may not be reasserted in any other proceeding or forum except for the limited purpose of enforcing the Settlement by a Party. Settlement at ¶ 25.

# Discussion

Initially, we note that any issue or argument that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider expressly or at length each contention or argument raised by the Parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *also see, generally*, *University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

## Legal Standards

Pursuant to our Regulations at 52 Pa. Code § 5.231, it is the Commission’s policy to promote settlements. This Commission’s evaluation of whether to approve a settlement is not based on a “burden of proof” standard, as is utilized for contested matters. The Commission must review proposed settlements to determine whether the terms are in the public interest. *Pa. PUC v. Philadelphia Gas Works*, Docket No. M‑00031768 (Order entered January 7, 2004); *Pa. PUC v. CS Water and Sewer Assoc.*, 74 Pa. P.U.C. 767 (1991). Because a presiding officer has not been assigned to this proceeding, the terms of the proposed Settlement are to be reviewed by the Commission pursuant to 52 Pa. Code § 5.232(g).

In furtherance of the statutory provisions of the Code that are applicable to this Commission’s review of settlements, we have promulgated detailed Regulations which specifically identify those standards and considerations that will govern our review. Pursuant to the *Policy Statement*, it is noted that “these factors and standards will be utilized by the Commission in determining if a fine for violating a Commission order, regulation, or statute is appropriate, as well as if a proposed settlement for a violation is reasonable and approval of the settlement agreement is in the public interest.” 52 Pa. Code § 69.1201(a). These guidelines further state that “when applied in settled cases, these factors and standards will not be applied in as strict a fashion as in a litigated proceeding. The parties in settled cases will be afforded flexibility in reaching amicable resolutions to complaints and other matters so long as the settlement is in the public interest.” 52 Pa. Code § 69.1201(b).

## Disposition

On consideration of the positions of the Parties and after a review of the Settlement, we shall adopt their reasoning and their conclusion that the terms and conditions of the Settlement are in the public interest. We conclude, therefore, that approval of the Settlement creates overall benefits to the various stakeholders involved and represents a reasonable compromise of the litigated positions of the Parties. The Commission’s *Policy Statement* sets forth ten factors that we may consider in evaluating whether a civil penalty for violating a Commission Order, Regulation, or a statute is appropriate, as well as if a proposed settlement for a violation is reasonable and approval of the settlement agreement is in the public interest. The *Policy Statement* sets forth the guidelines we use when determining whether, and to what extent, a civil penalty is warranted. In this case, application of these guidelines supports approval of the Settlement as filed.

The first factor we consider is whether the conduct at issue is of a serious nature. 52 Pa. Code § 69.1201(c)(1). “When conduct of a serious nature is involved, such as willful fraud or misrepresentation, the conduct may warrant a higher penalty. When the conduct is less egregious, such as administrative filing or technical errors, it may warrant a lower penalty.” *Id.* In this case, the allegations against UGI involve a flawed response to a reported hazardous natural gas leak, in that UGI failed to both maintain adequate procedures or to follow its own written, internal procedures that were in place at the time of the incident, resulting in the death of one UGI employee, injuries to two other UGI employees and an employee of LASA, and the destruction or serious damage to several homes in the neighborhood. While we acknowledge that there have been no factual hearings in this matter, the allegations against UGI, amounting to nineteen counts of alleged violations of state and federal regulations, would, if proven, rise to the level of serious misconduct. As UGI notes, gas safety is a significant issue that it takes seriously. UGI Statement in Support at 9. Given the significance of gas safety, we conclude that UGI’s conduct warrants a higher civil penalty in this case.

The second factor we consider is whether the resulting consequences of the conduct are of a serious nature. 52 Pa. Code § 69.1201(c)(2). “When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty.” *Id.* In this case, consequences of a serious nature were involved since the natural gas-fueled explosion: (1) completely destroyed a single family home and subjected surrounding homes to varying degrees of damage; (2) resulted in one fatal injury and non-life-threatening injuries to three other individuals who were responding to the natural gas leak; and (3) resulted in approximately $2.2 million in property damage. Here, the Parties assert that the terms and conditions of the Settlement acknowledge the seriousness of the incident and are designed to further enhance the safety of UGI’s service and facilities. I&E Statement in Support at 11; UGI Statement in Support at 9. Again, as this is a proposed Settlement without hearing, we do not have a factual record before us. However, under all the circumstances and the fact that UGI does not deny the seriousness of the incident, we conclude that the seriousness of the consequences resulting from the July 2, 2017 incident warrant a higher penalty.

The third factor pertains to litigated cases only. 52 Pa. Code § 69.1201(c)(3). Because this proceeding was settled prior to an evidentiary hearing, this factor is not applicable to this Settlement.

The fourth factor we may consider is whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. The amount of time it took the utility to correct the conduct once it was discovered and the involvement of top-level management in correcting the conduct may be considered. 52 Pa. Code § 69.1201(c)(4). In this case, UGI engaged in appropriate measures to correct the conduct at issue and to prevent similar future conduct. As described in detail in the Settlement, UGI has taken or will take corrective action that will safeguard against a similar incident occurring in the future.

UGI noted that it has fully cooperated with and assisted I&E and the NTSB with their respective investigations of the events surrounding the incident, and in light of the NTSB’s Safety Recommendation Report, issued in June 2018, no longer installs Perfection Tapping Tees and is actively remediating Perfection Tapping Tees from the UGI system.[[8]](#footnote-9) UGI Statement in Support at 1-2. As part of the Settlement, UGI agreed to accelerate the pace of the remediation work related to Perfection Tapping Tees and anticipates completing the remediation work by December 31, 2024. Settlement at ¶ 18(C).

In response to the July 2, 2017 incident, UGI has proactively moved forward to adopt several changes to its policies and procedures. Therefore, many additional terms included in the Settlement have already been implemented by the Company, including:

1. Construction of a centralized training center to be completed in fiscal 2021 at an estimated cost of $37.9 million;[[9]](#footnote-10)
2. Implementation of new training for emergency responders and increased advertising for emergency responder training;
3. Enhancement of meetings with pipeline stakeholders to include emergency response exercises;
4. Implementation of the Everbridge mass notification system to use during emergency situations in order to enhance the coordination of emergency events;
5. Development of new annual emergency response training for its personnel, which includes the implementation of Incident Command Structure principles in responding to natural gas emergencies;
6. Various improvements to its Emergency Plan, including:
7. Redefining the responsibility of Central Dispatchers to help alleviate the burden of emergency responders around electricity shutdown, system isolation and communications;
8. Reinforcing the first responder’s authority to shut valves and curtail electricity in appropriate circumstances during an emergency;
9. Implementing new procedures pertaining to managing natural gas leaks inside structures;
10. Establishing a 330-foot zone of safety, or safety perimeter, for inside and outside leaks to remove the general public form a natural gas emergency;
11. Establishing additional requirements for “on call” staffing; and
12. Modifications that further clarify the types of Grade “C” rated leaks that require the identification of the valve needed to isolate gas flow, including but not limited to underground blowing gas situations and rapidly migrating leaking gas from a suspected mechanical tee failure.

Settlement at ¶ 18(B), (D)-(M); I&E Statement in Support at 11-12; UGI Statement in Support at 7.

We acknowledge that UGI has already undertaken safety enhancement measures and has agreed to undertake additional safety enhancement measures as part of the instant Settlement. We have considered these safety enhancement measures in our analysis of the Settlement. We find that these actions, as a whole, demonstrate that UGI is taking appropriate action to enhance the safety of its distribution system, improve the reliability of its gas operations, and prevent similar occurrences in the future. This warrants a lesser penalty.

The fifth factor we may consider is the number of customers affected and the duration of the violation. 52 Pa. Code § 69.1201(c)(5). In this case, the natural gas-fueled explosion took the life of one UGI Gas employee, injured two additional UGI responders and a LASA employee. The explosion demolished the entire residential structure at 206 Springdale Lane and caused severe damage to neighboring homes on the Springdale Lane cul-de-sac. In addition, residents on Springdale Lane experienced a temporary gas outage. Considered by itself, this factor does not support a high civil penalty amount.

The sixth factor relates to UGI’s compliance history with the Commission. “An isolated incident from an otherwise compliant utility may result in a lower penalty, whereas frequent, recurrent violations by a utility may result in a higher penalty.” 52 Pa. Code § 69.1201(c)(6). A review of our records reveals that UGI and/or its former subsidiary companies have a poor compliance history relating to gas safety issues.[[10]](#footnote-11) Based on our research and I&E’s Statement in Support, this is at least the eighth time in approximately the past ten years in which a matter containing allegations of gas safety violations by a UGI-owned gas distribution utility has come before this Commission. I&E Statement in Support at 13-15.

In *Pa. PUC, Bureau of Investigation and Enforcement v. UGI Penn Natural Gas, Inc.*, Docket No. M-2013-2338981 (Order entered September 26, 2013), the Commission approved a settlement agreement wherein UGI Penn Natural Gas, Inc. (UGI-PNG) agreed to pay a civil penalty of $1,000,000 in connection with an improper repair of a gas main in which UGI-PNG exceeded the main’s maximum allowable operating pressure by placing a clamp over the leak that was rated at a lower operating pressure. The civil penalty was also paid in response to allegations that UGI-PNG’s leak classification, survey and management system were not in compliance with state and federal regulations.

In *Pa. PUC, Bureau of Investigation and Enforcement v. UGI Utilities, Inc.*, Docket No. C-2012-2308997 (Order entered February 19, 2013), a natural gas explosion occurred in Allentown on February 9, 2011, and resulted in the deaths of five individuals in two residences, an injury to another individual, and destruction and significant damage to six other residences. The explosion was caused by a circumferential crack in a twelve-inch cast iron main. Based on I&E’s investigation in that case, the allegations regarding UGI Utilities, Inc.’s conduct included the following: (1) failure to timely replace cast iron piping systems in the Allentown area; (2) failure to maintain an odorant sampling program to demonstrate that adequate odorant concentrations are consistently present throughout its distribution system; (3) failure to properly perform post-incident odorant testing; (4) failure to monitor and react to forces that may have detrimentally affected the integrity of the cast iron main; (5) failure to promptly close the curb valves to the residences that were located in the same row as the homes destroyed by the explosion; and (6) failure to promptly and effectively respond to the explosion in that it took five hours to diminish the flow of gas. The settlement in that case proposed a $386,000 civil penalty and provided, among other remedial measures, that UGI would retire or replace all in-service cast iron mains over a fourteen-year period and bare steel mains over a thirty-year period. The Commission approved the settlement with modifications, including the following: the civil penalty amount was increased to $500,000 and UGI was directed to conduct a pilot program in which it would explore and use enhanced leak detection measures in Allentown.

Similarly, in *Pa. PUC v. UGI Utilities, Inc*., Docket No. M-2009-2031571 (Order entered January 14, 2010), a settlement arose from a natural gas explosion in Allentown that occurred on December 9, 2006, and resulted in a minor injury and destroyed one residence and three adjacent row homes. The explosion occurred when a contractor attempted to remove a gas meter. The allegations of gas safety violations involved inadequate training and improper documentation of procedures regarding removal of inactive gas meters. The settlement called for remedial measures such as changes to the company’s procedures, training, and operator qualifications regarding meter replacement. The Commission approved the settlement’s $80,000 civil penalty and modified the settlement to add an $80,000 payment to the Low-Income Usage Reduction Program.

Other cases within the past ten years involving UGI-owned gas distribution utilities include: (1) *Pa. PUC v. UGI Central Penn Gas, Inc.*, Docket No. M‑2011‑2155312 (Order entered June 13, 2012) (rejected settlement amount due to the nature of the safety violations and number of recurring allegations); (2) *Pa. PUC v. UGI Utilities, Inc*., Docket No. M-2012-2141712 (Order entered June 13, 2012) (rejected settlement due to serious nature of the incident and endangerment of lives of the company’s crew and the public); (3) *Pa. PUC v. UGI Utilities, Inc*., Docket No. M‑2010‑2037411 (Order entered May 10, 2010) (approving a settlement to resolve allegations concerning UGI’s failure to properly mark its pipelines); and (4) *Pa. PUC v. UGI Utilities Inc.*, Docket No. C-2009-2120601 (Order entered November 19, 2010) (approving a settlement to resolve various federal and state gas safety violations).

We believe that the information before us supports the $1,100,000 civil penalty set forth in the Settlement. We acknowledge that UGI has already made commitments and took action to enhance the safety of its distribution system and improve the reliability of its gas operations, including the acceleration of remediation work related to Perfection Tapping Tees, increased coordination with and training of emergency responders regarding natural gas emergencies, enhanced training of UGI employees, as well as numerous improvements to UGI’s operations, maintenance and emergency procedures. Nevertheless, UGI’s compliance history is indicative of a pattern of allegations regarding gas safety violations, as well as a failure on the part of UGI’s management to adequately focus on gas safety issues. Accordingly, a high civil penalty is warranted in this case.

The seventh factor we may consider is whether the regulated entity cooperated with the Commission’s investigation. 52 Pa. Code § 69.1201(c)(7). According to I&E, UGI has cooperated with the Commission’s staff throughout its investigation, as well as the complaint and settlement process. I&E believes that such cooperation demonstrates a commitment to the Commission’s public safety goals and objectives. I&E Statement in Support at 15. Therefore, we conclude that UGI’s cooperation with the Commission in this matter weighs in favor of a lesser penalty.

In addition, we may consider the amount of the civil penalty necessary to deter future violations as well as past Commission decisions in similar situations. 52 Pa. Code § 69.1201(c)(8) and (c)(9). We find that, along with the remedial measures the Company has been engaging in and will continue to engage in pursuant to the Settlement, the $1,100,000 civil penalty amount, which is the largest individual civil penalty ever imposed on UGI by the Commission and shall not be recovered in future ratemaking proceedings, will be a sufficient deterrent to prevent similar future occurrences. Based on the nature of the alleged violations, the resulting consequences of the alleged violations, and the remedial measures the Company has taken in this case, we conclude that our determination regarding this Settlement and the civil penalty amount is consistent with our prior decisions in similar situations.

The tenth standard provides that the Commission may consider other relevant factors in assessing a penalty. 52 Pa. Code § 69.1201(c)(10). Both I&E and UGI state that the fact that the Parties have agreed to a settlement is of pivotal importance. I&E Statement in Support at 17; UGI Statement in Support at 11. We believe that it is in the public interest to approve the Settlement of this matter so as to avoid the expense of litigation and the possibility of appeals. We are cognizant of the fact that the fines and penalties, and other remedial actions resulting from a fully litigated proceeding are difficult to predict and can differ from those that result from a settlement. In addition, we believe that the Settlement is in the public interest because reasonable settlement terms will allow the Parties to move forward and to focus on implementing the agreed upon remedial actions.

For the reasons set forth above, after reviewing the terms of the Settlement, we find that approval of the Settlement is in the public interest and is consistent with the terms of our *Policy Statement*.

# Conclusion

It is the Commission’s policy to promote settlements. 52 Pa. Code § 5.231. The Parties herein have provided the Commission with sufficient information upon which to thoroughly consider the terms of the proposed Settlement. Based on our review of the record in this case, including the Settlement and the Statements in Support thereof, we find that the proposed Settlement is in the public interest and merits approval; **THEREFORE,**

**IT IS ORDERED:**

1. That the Joint Petition for Approval of Settlement, filed on September 1, 2020, by the Commission’s Bureau of Investigation and Enforcement and UGI Utilities, Inc. – Gas Division is approved in its entirety without modification.
2. That, in accordance with Section 3301 of the Public Utility Code, 66 Pa. C.S. § 3301, within thirty (30) days of the entry date of this Opinion and Order, UGI Utilities, Inc. – Gas Division shall pay One Million, One Hundred Thousand Dollars ($1,100,000), which consists of the entirety of the civil penalty settlement amount. Said payment shall be made by certified check or money order payable to “Commonwealth of Pennsylvania.” The Docket No. of this proceeding, C-2018-3005151, shall be indicated on the certified check or money order and the payment shall be sent to:

Rosemary Chiavetta, Secretary

Pennsylvania Public Utility Commission

400 North Street

Harrisburg, PA 17120

1. That within six (6) months of the entry date of this Opinion and Order, UGI Utilities, Inc. – Gas Division shall: (1) provide the Commission’s Bureau of Investigation and Enforcement with a confidential study performed by an independent consultant to assess the effectiveness of the Company’s remediation procedures for Perfection Tapping Tees; (2) provide the Commission’s Bureau of Investigation and Enforcement with a high level map or list of addresses showing the likely locations of Perfection Tapping Tees that will be marked as “Confidential Security Information;” (3) UGI Utilities, Inc. agrees to provide periodic reporting on a quarterly basis to the Commission’s Bureau of Investigation and Enforcement concerning its progress with respect to the remediation or replacement of Perfection Tapping Tees from the present time through December 31, 2024; and (4) in connection with the aforementioned reports, UGI Utilities, Inc. shall provide information to the Commission’s Bureau of Investigation and Enforcement to evaluate the ongoing effectiveness of the Semiannual Leak Survey. To the extent that Perfection Tapping Tees are discovered or otherwise remain a part of the Company’s facilities beyond December 31, 2024, UGI Utilities, Inc. shall provide the Commission’s Bureau of Investigation and Enforcement with reports concerning the Company’s progress with respect to the remediation or replacement of these mechanical tapping tees on an annual basis.
2. That a copy of this Opinion and Order shall be served upon the Financial and Assessment Chief, Office of Administrative Services.
3. That after UGI Utilities, Inc. – Gas Division, remits the civil penalty set forth in Ordering Paragraph No. 2, the Complaint filed on October 4, 2018 by the Commission’s Bureau of Investigation and Enforcement shall be marked satisfied and the Secretary’s Bureau shall mark this proceeding closed.

**BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: October 29, 2020

ORDER ENTERED: October 29, 2020

1. The names of the UGI employees involved in the incident were redacted in I&E’s non-proprietary version of its Complaint, as well as the relevant portions of and specific references to UGI’s General Operations Manual (GOM), which was considered proprietary material. [↑](#footnote-ref-2)
2. UGI indicated that the proprietary version of its Answer was filed because the information and averments contained therein related to an ongoing National Transportation Safety Board (NTSB) investigation. UGI explained that NTSB regulations prohibit UGI, as a party to the NTSB investigation, from disseminating information except for the limited purposes of supporting the NTSB investigation. However, UGI further noted that to the extent that the NTSB concludes its investigation during the course of this proceeding, UGI will consider and work with the parties and the Commission to provide an updated version of its Answer with the proprietary designations and redactions removed. Due to the Settlement, UGI did not file an updated version of its Answer. However, UGI provides unredacted references to the NTSB’s final report in its Statement in Support of the Settlement. [↑](#footnote-ref-3)
3. All times in this Opinion and Order are Eastern Daylight Time. [↑](#footnote-ref-4)
4. The UGI service technician measured a reading of 80% gas-in-air in the sewer and 98% gas-in-air over the service line connection to the main (the tapping tee). Complaint at 7. [↑](#footnote-ref-5)
5. After discussions with other UGI personnel, particularly UGI’s on-call engineer, the Duty Supervisor decided to “squeeze off” the main line rather than closing the main line valve. Generally described, a “squeeze off” tool is a mechanical device that is found in certain pipeline operations that utilize plastic pipe, in which the tool principally consists of two parallel-positioned bars that compress around the outside diameter of the pipe, which results in a stoppage of the pipeline flow. *See, General Guidelines for Squeezing Off Polyethylene Pipe in Water, Oil, and Gas Applications*, The Plastics Pipe Institute, Inc. 2017, Irving, TX. [↑](#footnote-ref-6)
6. The NTSB also conducted an investigation of this incident, pursuant to its authority set forth in 49 U.S.C.A. § 1131(D). On February 25, 2019, the NTSB issued a report in which the NTSB determined that the probable cause of the natural gas-fueled explosion at 206 Springdale Lane was an improperly installed mechanical tapping tee that leaked and allowed gas to migrate into the house where it ignited. However, the NTSB report explained that the agency “does not assign fault or blame for an accident or incident” and that law prohibits such reports in civil lawsuits “for damages resulting from a matter mentioned in the report.” [↑](#footnote-ref-7)
7. I&E proposed that UGI pay a civil penalty of $209,002 for each of the nineteen counts set forth in its Complaint, which was the maximum “per violation” civil penalty as adjusted for inflation. Complaint at 22 (citing, 82 Fed. Reg. 19325 (April 27, 2017)). However, the resulting civil penalty, totaling $3,971,038, exceeded the statutory maximum set forth in 66 Pa. C.S. § 3301(c). Therefore, I&E’s requested total civil penalty for this incident was $2,090,022, which was the maximum civil penalty for a related series of violations. *Id.* [↑](#footnote-ref-8)
8. National Transportation Safety Board, Safety Recommendation Report, Installation of PermaLock Mechanical Tapping Tee Assemblies, issued June 18, 2018. [↑](#footnote-ref-9)
9. UGI notes that the training center is currently being constructed in Berks County. UGI Statement in Support at 7. [↑](#footnote-ref-10)
10. Pursuant to the *Joint Application of UGI Utilities, Inc., UGI Penn Natural Gas, Inc., and UGI Central Penn Gas, Inc*., which was approved on September 20, 2018, UGI was permitted to merge its three pre-existing NGDCs into a single NGDC, which was accomplished on October 1, 2018. *See Joint Application of UGI Utilities, Inc., UGI Penn Natural Gas, Inc. and UGI Central Penn Gas, Inc. for All of the Necessary Authority, Approvals, and Certificates of Public Convenience for (1) an Agreement and Plan of Merger; (2) the Merger of UGI Penn Natural Gas, Inc. and UGI Central Penn Gas, Inc. into UGI Utilities, Inc.; (3) the initiation by UGI Utilities, Inc. of natural gas service in all territory in this Commonwealth where UGI Penn Natural Gas, Inc. and UGI Central Penn Gas, Inc. do or may provide natural gas service; (4) the abandonment by UGI Penn Natural Gas, Inc. of all natural gas service in this Commonwealth; (5) the abandonment by UGI Central Penn Gas, Inc. of all natural gas service in this Commonwealth; (6) the adoption by UGI Utilities, Inc. of UGI Penn Natural Gas, Inc.’s and UGI Central Penn Gas, Inc.’s Existing Tariffs and their Application within New Service and Rate Districts of UGI Utilities, Inc. Corresponding to their Existing Service Territories as UGI North and UGI Central, respectively; (7) the adoption by UGI Utilities, Inc. of its Existing Tariff to be applied to a New UGI South Service and Rate District; (8) Where Necessary, Associated Affiliated Interest Agreements; and (9) any Other Approvals Necessary to Complete the Contemplated Transaction*, Docket Nos. A‑2018-3000381, A-2018-3000382 and A-2018-3000383 (Order entered September 20, 2018). [↑](#footnote-ref-11)