



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

October 5, 2023

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement v.  
Columbia Gas of Pennsylvania, Inc.  
Docket No. C-2023-  
**Formal Complaint (Non-Proprietary and Proprietary Version)**

Dear Secretary Chiavetta:

Enclosed for electronic filing is the **Non-Proprietary** version of the **Formal Complaint** of the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission in the above-referenced matter. The **Proprietary** version has been submitted to the Secretary’s Bureau via their ShareFile.

Copies have been served on the parties of record in accordance with the Certificate of Service. If you have any questions, please do not hesitate to contact me.

Sincerely,

Kayla L. Rost  
Prosecutor  
Bureau of Investigation & Enforcement  
PA Attorney ID No. 322768  
(717) 787-1888  
[karost@pa.gov](mailto:karost@pa.gov)

KLR/ac  
Enclosures

cc: Per Certificate of Service  
Michael L. Swindler, Deputy Chief Prosecutor (via email - [mwindler@pa.gov](mailto:mwindler@pa.gov))  
Robert Horensky, Manager, Safety Division (via email - [rhorensky@pa.gov](mailto:rhorensky@pa.gov))  
David Kline, Supervisor, Fixed Utility Valuation Engineer (via email - [davidkline@pa.gov](mailto:davidkline@pa.gov))  
Melissa McFeaters, Fixed Utility Valuation Engineer (via email - [mmcfeaters@pa.gov](mailto:mmcfeaters@pa.gov))

## NOTICE

**A. You must file an Answer within 20 days of the date of service of this Complaint.**

The date of service is the mailing date as indicated at the top of the Secretarial Letter. *See* 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. The Answer must be submitted by efileing with the Secretary of the Commission by opening an efileing account through the Commission's website and accepting eservice at <http://www.puc.state.pa.us/efiling/default.aspx>. If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

**Additionally, please electronically serve a copy on:**

Kayla L. Rost, Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
[karost@pa.gov](mailto:karost@pa.gov)

B. If you fail to Answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief.

C. You may elect not to contest this Complaint by paying the civil penalty and performing the requested relief within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. *See* 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-
	:	
Columbia Gas of Pennsylvania, Inc.,	:	
Respondent	:	

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**FORMAL COMPLAINT  
(NON-PROPRIETARY VERSION)**

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NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission, by its prosecuting attorneys, pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and files this Formal Complaint (“Complaint”) against Columbia Gas of Pennsylvania, Inc. (“Columbia Gas,” “Company,” or “Respondent”) alleging violations of the Public Utility Code, Pennsylvania Code, and Code of Federal Regulations in connection with a natural gas explosion that occurred on October 29, 2020, at 448 Chestnut Street, Rimersburg, Pennsylvania. In support of its Complaint, I&E respectfully avers as follows:

**I. COMMISSION JURISDICTION AND AUTHORITY**

1. The Pennsylvania Public Utility Commission (“Commission” or “PUC”), with a mailing address of the Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to

regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.* (“Code”).

2. Complainant is the Commission’s Bureau of Investigation and Enforcement, which is the bureau established to take enforcement actions against public utilities and other entities subject to the Commission’s jurisdiction pursuant to 66 Pa.C.S. § 308.2(a)(11); *See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

3. Complainant’s prosecuting attorneys are as follows:

Kayla L. Rost  
Prosecutor  
[karost@pa.gov](mailto:karost@pa.gov)  
(717) 787-1888

Michael L. Swindler  
Deputy Chief Prosecutor  
[mwindler@pa.gov](mailto:mwindler@pa.gov)

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

4. Respondent is Columbia Gas of Pennsylvania, Inc., a NiSource Company, with a principal place of business of 121 Champion Way, Suite 100, Canonsburg, PA 15317.

5. Section 501(a) of the Code, 66 Pa. C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

6. Section 701 of the Code, 66 Pa. C.S. § 701, authorizes the Commission, *inter alia*, to hear and determine complaints against public utilities for violations of any law or

regulation that the Commission has jurisdiction to administer or enforce.

7. Section 3301(c) of the Code, 66 Pa.C.S. § 3301(c), which is specific to gas pipeline safety violations, authorizes the Commission to impose civil penalties on any person or corporation, defined as a public utility, who violates any provisions of the Code or any regulation or order issued thereunder governing the safety of pipeline or conduit facilities in the transportation of natural gas, flammable gas, or gas which is toxic or corrosive. Section 3301(c) further provides that a civil penalty of up to Two Hundred Thousand Dollars (\$200,000) per violation for each day that the violation persists may be imposed, except that for any related series of violations, the maximum civil penalty shall not exceed Two Million Dollars (\$2,000,000) or the penalty amount provided under Federal pipeline safety laws, whichever is greater.

8. Civil penalties for violations of Federal pipeline safety laws and regulations are adjusted annually to account for changes in inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. 114-74, § 701, 129 Stat. 599, 28 U.S.C. § 2461 note (Nov. 2, 2015) (amending the Federal Civil Penalties Inflation Adjustment Act of 1990). The applicable adjustment made by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration ("PHMSA") occurred on July 31, 2019 and revised the maximum civil penalty to Two Hundred Eighteen Thousand, Six Hundred Forty-Seven Dollars (\$218,647.00) for each violation for each day the violation continues, with a maximum penalty not to exceed Two Million, One Hundred Eighty-Six Thousand, Four Hundred Sixty-Five Dollars (\$2,186,465.00) for a related series of violations. 84 Fed. Reg. 37059 (July 31, 2019).

9. Pursuant to Section 59.33(b) of the Commission’s regulations, 52 Pa. Code § 59.33(b), I&E’s Pipeline Safety Division has the authority to enforce Federal pipeline safety laws and regulations set forth in 49 U.S.C.A. §§ 60101-60503 and as implemented at 49 CFR Parts 191-193, 195 and 199. The Federal pipeline safety laws and regulations prescribe the minimum safety standards for all natural gas and hazardous liquid public utilities in the Commonwealth.

10. Columbia Gas is a “public utility” as that term is defined at 66 Pa.C.S. § 102,<sup>1</sup> as it is engaged in providing public utility service as a natural gas distribution company (“NGDC”) to the public for compensation. Columbia Gas serves more than 440,000 customers in 26 counties in western, central, and south-central Pennsylvania.

11. Columbia Gas, in providing natural gas distribution service to the public for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations and orders, including Federal pipeline safety laws and regulations.

12. Pursuant to the provisions of the applicable Commonwealth and Federal statutes and regulations, the Commission has jurisdiction over the subject matter and the actions of Columbia Gas related thereto.

## **II. BACKGROUND**

13. On October 29, 2020, at approximately 8:03 a.m., an explosion occurred at

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<sup>1</sup> “Public utility” is defined as:

(1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:

(i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.

66 Pa.C.S. § 102.

448 Chestnut Street, Rimersburg, Pennsylvania. The house was serviced by Columbia Gas and involved a 2-inch plastic main.

14. The explosion at 448 Chestnut Street resulted in no fatalities or injuries, however, approximately nineteen (19) residents within a two-block radius of the explosion were evacuated.

15. While the residence at 448 Chestnut Street was still standing after the explosion, there was significant structural damage to the home. The damage to the residence was determined to be a total loss, and the overall estimated damage including Columbia Gas' property was \$213,000.00.

16. Pipeline Safety Inspectors from I&E's Safety Division responded to the scene and conducted an investigation. The following background consists of a summary of the findings of Pipeline Safety's investigation.

**A. Overview of Columbia Gas**

17. Columbia Gas is the fifth largest natural gas distribution company in Pennsylvania.

18. On or about December 7, 2012, Columbia Gas filed its Initial Long Term Infrastructure Improvement Plan ("LTIIP") with the Commission at Docket No. P-2012-2338282. Columbia Gas claimed that it was experiencing an increasing number of leaks in the areas with high concentration of aging pipe, noting that 85% of all leakage that occurs annually on mains were a result of corrosion on first generation mains and service lines. Columbia Gas stated that bare steel and cast iron mains are 16 times more likely to experience leakage than plastic or cathodically protected mains, and anticipated replacing or

retiring 106 miles of pipe per year from 2013 through 2017.<sup>2</sup>

19. On or about May 5, 2017, Columbia Gas filed its Second Long Term Infrastructure Improvement Plan at Docket No. P-2017-2602917. Columbia Gas reported replacing or retiring 37% of the total amount of cast iron and bare steel from the time period of 2007 to December 31, 2016, representing a reduction of over 800 miles of bare steel and cast iron mains. Columbia Gas anticipated replacing approximately 682 miles of main from 2017 through 2022. It further noted that the first generation of plastic pipe installed prior to 1982 were being retired or replaced contemporaneously with the bare steel and cast iron facilities to which these facilities were adjacent.<sup>3</sup>

20. As of December 31, 2020, approximately 4,898 miles of Columbia Gas's approximately 7,700 miles of mains, or 64%, was comprised of plastic main.

21. The 2020 PHMSA Annual Report requires operators to report leaks based on cause. Overall, Columbia Gas reported 1,876 leaks on mains, 277 of which were considered hazardous leaks. For the leak cause category of excavation damage and pipe, weld, or joint failure, Columbia reported 196 leaks on mains, 110 of which were considered hazardous.<sup>4</sup>

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<sup>2</sup> *Petition of Columbia Gas of Pennsylvania, Inc. for Approval of its Long Term Infrastructure Improvement Plan*, Docket No. P-2012-2338282 (Opinion and Order entered March 14, 2013).

<sup>3</sup> *Petition for Approval of a Major Modification to its Existing Long Term Infrastructure Improvement Plan and Approval of its Second Long Term Infrastructure Improvement Plan*, Docket No. P-2017-2602917 (Opinion and Order entered September 21, 2017).

<sup>4</sup> *See generally Gas distribution, Gas Gathering, Gas Transmission, Hazardous Liquids, Liquefied Natural Gas (LNG), and Underground Natural Gas Storage (UNGS) Annual Report Date*, <https://www.phmsa.dot.gov/data-and-statistics/pipeline/gas-distribution-gas-gathering-gas-transmission-hazardous-liquids>.



**C. Events Prior to the Day of the Incident**

27. Columbia Gas recorded eight (8) reports of gas odor from customers living on Chestnut Street from a period of 2015-2020. The reports recorded on March 6, 2020 and October 29, 2020 included confirmed leaks on Columbia Gas facilities and involved the 2-inch plastic main.

28. On the northwest corner of the property at 448 Chestnut Street, a dirt strip with no grass was observed on the day of the explosion. Pipeline Safety interviewed the homeowner of the residence and was advised that water/sewer line work was performed shortly after she moved into the home. The homeowner believed this work occurred in the spring of 2019.

29. Pipeline Safety confirmed that water/sewer line work was completed in the spring of 2019 upon a search of the requests made through the Pennsylvania One Call System, Inc. See attached I&E Exhibit 1.

**D. Chronology of Events on the Day of the Incident**

30. On October 29, 2020, at approximately 8:03 a.m., an explosion occurred at 448 Chestnut Street.

31. A neighbor called 911 while the Rimersburg Fire Chief, who lived nearby, responded promptly to the scene and entered the house shortly after the explosion occurred. The Rimersburg Fire Chief saw a small fire in the one corner of the basement and verified that no one was inside the house at the time of the explosion.

32. At 8:25 a.m., the Rimersburg Fire Department began evacuating residents near the explosion site. Approximately nineteen (19) residents were evacuated.

33. At approximately 8:41 a.m., a Columbia Gas technician arrived at the site of

the explosion. The technician confirmed the smell of gas at the site as well as gas readings in the sewer near the site. The Columbia Integration Center was notified and subsequently dispatched employees.

34. At approximately 8:55 a.m., West Penn Power shut off electric service to the area.

35. Shortly after 9:00 a.m., Columbia Gas notified Pipeline Safety of the explosion. Pipeline Safety sent two inspectors to investigate.

36. At 9:23 a.m., a Columbia Gas technician located the potential source for the leak after hand digging in the area. The gas flow feeding the potential leak on the main was stopped at approximately 10:03 a.m. Six (6) homeowners were affected by the stoppage and had gas service curtailed.

37. Columbia Gas conducted its first odorant check at 314 Chestnut Street at 10:45 a.m.

38. Due to gas readings in the sewer lines, Columbia Gas personnel purged gas from the ground near the presumed leak and began conducting leakage surveys near the incident site and surrounding areas.

39. Electric service was restored to the areas outside the affected area at 11:50 a.m. and all electrical services were restored by 5:38 p.m.

40. Gas service was restored to all affected customers by 11:06 p.m.

41. The explosion at 448 Chestnut Street resulted in no fatalities or injuries.

42. While the residence at 448 Chestnut Street was still standing after the explosion, there was significant structural damage to the home. See attached I&E Exhibit 2 (**Confidential**). The residence was determined to be a total loss, and the overall estimated

damage, including to Columbia Gas' property, was \$213,000.00.

**E. Investigation and Excavation**

43. Pipeline Safety arrived at the scene of the explosion shortly after the incident occurred on October 29, 2020.

44. Pipeline Safety requested that Columbia Gas test the 1-inch plastic service line installed in 1982 which serviced 448 Chestnut Street and was located at the front right (southwest) portion of the home.

**\*START CONFIDENTIAL\***

[REDACTED]

**\*END CONFIDENTIAL\***

47. At approximately 2:15 p.m. on October 29, 2020, Columbia Gas began excavating the area where the leak was found. As the crew excavated, hand shoveled, and used a dig bar to expose the pipe, Pipeline Safety observed a bending shape and some deflection in the 2-inch plastic main. See attached I&E Exhibit 3 (**Confidential**).

48. Pipeline Safety also observed a large rock or chunk of excess concrete resting on top of the main line near a butt fusion joint. See attached I&E Exhibit 4 (**Confidential**). The rock (or chunk of concrete) was carefully removed and placed to the side for future

analysis.

49. The excavation continued and, at approximately 3:00 p.m., the excavation area extended to the water valve which connected to piping that went inside the basement of 448 Chestnut Street. At this location, the backfill material encompassing the main line pipe appeared to be #57 crushed stone instead of fine grained, debris free material. A portion of this crushed stone was removed and placed in a sample bag for future analysis. At this time, approximately eight (8) feet of the main line distribution piping was exposed and there was a large, noticeable bend/deflection in the pipe. See attached I&E Exhibit 3 (**Confidential**).

50. Pipeline Safety requested that Columbia extend the area of excavation past the water valve to verify no further damage occurred due to the water/sewer line work that occurred in this area in the spring of 2019.

51. At approximately 6:30 p.m., a 12-foot section of the pipe was cut at both ends by using a hand pipe cutter and then carefully removed from the ditch. The cut section of pipe became the responsibility of the independent incident investigator and was stored in a secured location until testing could be conducted.

#### **F. Post Incident**

52. On November 11, 2020, Columbia Gas personnel and investigators met at the incident site to test the service line and the appliances inside the home, and to perform additional site investigations.

53. Pipeline Safety observed the customer service line and indoor gas line testing. The line was tested at 7 inches of water column and revealed a very small leak. The leak was negligible and not likely the source of the gas which caused the explosion.

54. The service line was then pressurized with the appliance valves closed. When

the appliance valves were opened there was no significant decrease in pressure. The gas appliances at the home included a hot water tank, a furnace, and a gas range.

55. Pipeline Safety then observed the excavation of the water and sewer lines at the foundation of the home, which is believed to be the site of ignition inside the home. They observed multiple holes in the foundation of the home and a void in the grouting of the sewer and water lines which provided multiple points of entry for gas into the home. See attached I&E Exhibit 5 (**Confidential**).

56. Excavation continued to the street tee of the sewer lateral and main connection where the gas, water, and sewer lines were exposed. The sewer line was located approximately three (3) feet below the gas line. It was also determined that the water line was located approximately two (2) feet beneath the gas line.

**\*START CONFIDENTIAL\***

[REDACTED]

**\*END CONFIDENTIAL\***

**G. Laboratory Analysis**

58. On November 12, 2020, pursuant to 49 CFR § 192.617, Pipeline Safety issued a letter directing Columbia Gas to send the 12-foot section of the 2-inch plastic pipe that contained the leak which was excavated on the day of the incident for testing. See attached I&E Exhibit 6 (**Confidential**)

59. Notably, Pipeline Safety directed Columbia Gas to provide three (3) copies of the unredacted written report of the laboratory analysis.

60. The 12-foot section of the 2-inch plastic pipe was stored briefly by Columbia Gas at its facilities in Emlenton. The pipe was later transported by an independent investigator to S-E-A, Ltd. (“S-E-A”) to their facilities for safe storage and future testing.

61. S-E-A was retained to perform a thorough evaluation of the pipeline section and to determine the cause of the failure.

62. The 12-foot section of the 2-inch plastic pipe was evaluated by S-E-A on March 21, 2021. The pipeline section was confirmed to be Plexco gas pipe P567KA28 03-31-82, 2-inch IPS SDR-11, Gas Pipe, SDR PE-2306 CD ASTM D2513. With no objections from Pipeline Safety or Columbia Gas, the butt fusion was then separated and the S-E-A laboratory conducted a complete microscopy of the fusion surface.

63. S-E-A determined that the butt fusion on the 2-inch plastic pipe failed. A fusion with more white regions/tearing indicates a quality fusion. The pipe was fractured to cause stress whiteness or tearing of about 30% on the circumference of the pipe. The fusion also did not have the required intermixing of materials, with only 5% of commingling of materials being present. See attached I&E Exhibit 7 (**Confidential**); I&E Exhibit 8.

64. Neither S-E-A nor Columbia Gas provided a written lab report to Pipeline Safety as directed in the November 12, 2020 letter. Rather, Columbia Gas initially provided Pipeline Safety with a verbal summary of the laboratory analysis and provided responses to I&E’s Data Requests.

65. Columbia Gas has previously requested and received a written lab report when engaging with an independent lab for testing and analysis.

III. COLUMBIA GAS PROCEDURES

**\*START CONFIDENTIAL\***

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82. Pipeline Safety determined that the source of the gas that ignited and caused the explosion came from a failed butt fusion on the 2-inch plastic main in front of 448 Chestnut Street. The primary cause of the natural gas leak was a failed butt fusion.

83. The amount of natural gas necessary to migrate into the home to cause an explosion of this magnitude was made possible by the diameter of the plastic main, the relative proximity of the failed butt fusion to the home at 448 Chestnut Street, the medium operating pressure of the main, and the multiple points of entry for gas to enter at the foundation of the home.

#### **COUNTS I-IV**

84. Columbia Gas failed to properly heat-fuse plastic pipe joints on the main as part of the construction project in 1982 and did not have the required intermixing of materials. If proven, this is a violation of 49 CFR § 192.281(c) (Plastic Pipe- Heat-fusion Joints) and 49 CFR § 192.605(a) (Procedural manual for operations, maintenance, and emergencies).

#### **COUNTS V-VIII**

85. Columbia Gas failed to identify defective fusion joints and did not adequately train its personnel on their Investigation of Failures and Leakage Control Records procedures in reference to the March 6, 2020 documentation. If proven, this is a violation of 49 CFR § 192.605(a) (Procedural manual for operations, maintenance, and emergencies), 49 CFR § 192.617 (Investigation of failures), 49 CFR § 192.805(h) (Qualification program), and 49 CFR § 192.1007(a)(1)(2)(3) (What are the required elements of an integrity management plan?).

### COUNTS IX-XI

86. Pipe data in the Facility Failure Report completed by Columbia Gas was recorded as unknown as it was completed prior to the laboratory analysis performed by S-E-A on March 21, 2021. Columbia Gas refused to supplement its Facility Failure Report with the information provided by S-E-A. Notably, the March 21, 2021 report concluded that no third-party damage contributed to the October 29, 2020 explosion which is contrary to Columbia Gas' Facility Failure Report. By failing to update its Facility Failure Report with the findings from S-E-A's laboratory analysis, Columbia Gas did not adequately or accurately complete a Facility Failure Report. If proven, this is a violation of 49 CFR § 192.605(a) (Procedural manual for operations, maintenance, and emergencies), 49 CFR § 192.617 (Investigation of failures), and 49 CFR § 192.1007(a), (c), (d) (What are the required elements of an integrity management plan?).

### COUNTS XII-XV

87. Columbia Gas failed to follow Pipeline Safety's directive in the November 12, 2020 letter<sup>7</sup> when it failed to provide three (3) unredacted copies of the written report after S-E-A, Ltd. completed its testing and laboratory analysis. If proven, this is a violation of 49 CFR § 190.203(e) (Inspections and investigations), 49 CFR § 192.617 (Investigation of failures), 66 Pa.C.S. § 505 (Duty to furnish information to commission; cooperation in valuing property.), and 52 Pa. Code § 59.33 (Safety).

### COUNT XVI

88. As set forth in paragraphs 82 through 87, *supra*, Columbia Gas failed to furnish and maintain adequate, efficient, safe and reasonable service and facilities and make

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<sup>7</sup> See I&E Exhibit 6 (**Confidential**).

such repairs, changes, alterations, substitutions, extensions and improvements in or to it service and facilities necessary or proper for the accommodation and safety of its patrons, employees and the public, thereby placing the safety of its customers, employees and the public in danger. If proven, this is a violation of 66 Pa.C.S. § 1501 (character of service and facilities).

## **V. REQUEST FOR RELIEF**

89. Due to the failure of Columbia Gas to properly complete the plastic butt fusion on the 2-inch plastic main and the failure to identify defective fusion joints which resulted in the damage to property as set forth herein, I&E proposes that Columbia Gas pay a civil penalty of One Hundred Thousand Dollars (\$100,000.00) for each of the sixteen (16) counts set forth in this Complaint for a total civil penalty of One Million, Six Hundred Thousand Dollars (\$1,600,000.00).

90. In addition to the civil penalty, I&E proposes the following corrective actions:

- a. Columbia Gas shall require a written laboratory report and/or detailed root cause analysis for any incident or event, including failed facilities or equipment.
- b. Consistent with the minimum requirements defined in 49 CFR 192.1007 (What are the required elements of an integrity management plan?), Columbia Gas shall revise and/or modify its Distribution Integrity Management Program (“DIMP”) to incorporate a granular breakdown and analysis of vintage plastic pipe manufactured for, at a minimum, the time period of 1970 through December 31, 1982

(hereinafter referred to as vintage pipe). This granular breakdown will include the following information:

- (1) Manufacturer, if known;
- (2) Installation date;
- (3) Material;
- (4) Age; and
- (5) Advisory bulletins and incident history.

c. Columbia Gas shall expand its DIMP to include a procedure requiring testing and reporting for all failures involving vintage plastic pipe, and shall create a procedure requiring a visual inspection of all exposed vintage pipe fusions. The reports will include, at a minimum, the following information on the fusions:

- (1) GPS coordinates;
- (2) Backfill;
- (3) Material;
- (4) Fusion Type;
- (5) Company, contractor, or individual who completed the fusion;
- (6) Results of a visual inspection of the fusion; and
- (7) Any other information the company deems necessary or appropriate.

d. For a period of five (5) years after a Commission Order or Decision, Columbia Gas shall add accelerated actions due to risk in its integrity

management, i.e., DIMP, and/or procedure, such as conducting additional leak surveys of all vintage plastic pipe. In the event that a leak is suspected on vintage plastic pipe, Columbia Gas shall immediately excavate the area where the leak is suspected and determine the root cause for the leak. The root cause determination shall include testing by a laboratory and the creation and issuance of a laboratory report. Any gas readings within twenty (20) feet of vintage plastic pipes must be visually observed and the source of the leak determined.

- e. Columbia Gas shall consider and began accelerating the replacement of vintage plastic pipe, but such acceleration shall not impend or impose upon Columbia Gas' commitment to the accelerated removal of cast iron, wrought iron, bare steel, and unprotected coated steel. During its replacement of vintage plastic pipe, Columbia Gas shall destructively test fifteen (15) Plexco and Aldyl-A fusions, or other first-generation plastic pipe fusions, to determine the risk associated with these vintage plastic pipes and to establish a procedure and/or policy for risk-based fusion testing in the future. The destructive testing shall continue for a minimum period of five (5) years following a Commission Order or Decision and a quarterly report of the results shall be provided to I&E's Pipeline Safety for review.
- f. Columbia Gas shall modify its policies and procedures regarding Facility Failure Reports to ensure that after a Facility Failure Report

has been completed by a leader/supervisor, or Operation Center Management-designee, the responsibilities of a Facility Failure Investigator regarding any investigations shall remain the same regardless of whether legal is involved.

- g. Columbia Gas shall create a Quality Assurance/Quality Control (QA/QC) process which requires a Facility Failure Report to remain open until all information is obtained and documented.
- h. Columbia Gas shall create additional training for field personnel and supervisory staff on adequately documenting leakage control records on form GS 1708.100-1. After a leak record has been cleared, Columbia Gas shall create a procedure or policy for records review or follow-up inspection performed on form GS 1708.100-1 to verify that information was documented correctly and all relevant information was captured.
- i. Columbia Gas shall remove all assumptions or notes stating that the work performed by a third-party excavator resulted in or contributed to the fusion butt failure. Specifically, the note in the Facility Failure Report which states “Extra tension from prior sewer and water excavation” shall be removed, in addition to all other Columbia Gas records which contain this assumption.

WHEREFORE, the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement hereby requests that the Commission: (1) find Columbia Gas

to be in violation of the Public Utility Code, Commission regulations, and/or Code of Federal Regulations for each of the sixteen (16) counts set forth herein; (2) impose a cumulative civil penalty upon Columbia Gas in the amount of One Million, Six Hundred Thousand Dollars (\$1,600,000.00); (3) direct Columbia Gas to perform each of the corrective actions detailed in this Complaint; and (4) order such other remedies as the Commission may deem to be appropriate.

Respectfully submitted,

A handwritten signature in blue ink that reads "Kayla L. Rost". The signature is written in a cursive style.

Kayla L. Rost  
Prosecutor  
PA Attorney ID No. 322768

Michael L. Swindler  
Deputy Chief Prosecutor  
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Dated: October 5, 2023


**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-
	:	
Columbia Gas of Pennsylvania, Inc.,	:	
Respondent	:	

**VERIFICATION**

I, Melissa McFeaters, P.E., Fixed Utility Valuation Engineer, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: October 5, 2023

  
\_\_\_\_\_  
Melissa McFeaters, P.E.  
Fixed Utility Valuation Engineer  
Pipeline Safety Division  
Bureau of Investigation and Enforcement

# **I&E Exhibit 1**

CDC 00000 POCS MM/DD/YY TT:TT:TT 20191123683-000 NEW XCAV RTN

=====PENNSYLVANIA UNDERGROUND UTILITY LINE PROTECTION REQUEST=====

Serial Number--[20191123683]-[000] Channel#--[1502A012][0544][2019-01]

Message Type--[NEW][EXCAVATION][ROUTINE]

County--[CLARION] Municipality--[RIMERSBURG BORO]

Work Site--[448 CHESTNUT ST]

Nearest Intersection--[CARMICHAEL WAY]

Second Intersection--[ATCHISON WAY]

At Intersection--[N] Between Intersections--[Y] Site Marked in White--[N]

Subdivision--[ ]

Location Information--

[WORKING AT TWO CORNERS OF THE HOUSE. THE STREET NUMBER IS ON THE FRONT DOOR. FROM CHERRY RUN RD MAKE THE LEFT ONTO CHESTNUT THE PROP IS 5TH BLDG ON THE LEFT AND IS JUST BEYOND THE APARTMENT BLDG.]

Caller Lat/Lon--[ ]

Mapped Type--[P] Mapped Lat/Lon--

[41.041681/-79.504625,41.040629/-79.505462,41.040350/-79.504668,41.041523/-79.503971]

Attachments--[http://www.pa811.org/attachments/20191123683]

Type of Work--[INSTL NEW METER AND PIT FOR BOROUGH WTR LINE] Depth--[ ]

Extent of Excavation--[ ] Method of Excavation--[DIGGING]

Equip Type--[HAND TOOLS AND SMALL EXCAVATOR ]

Street--[X] Sidewalk--[X] Pub Prop--[ ] Pvt Prop--[X] Other--[ ]

Private Front--[ ] Rear--[ ] Left--[X] Right--[ ]

Lawful Start Dates--[25-Apr-19] thru [06-May-19] Response Due Date--[24-Apr-19]

Scheduled Excavation Date--[25-Apr-19] Dig Time--[0700] Duration--[ ]

Caller--[AMY MCDEAVITT]

Caller Phone--[724-234-8727]

Excavator--[AMY MCDEAVITT]

Address--[448 CHESTNUT ST]

City--[RIMERSBURG]

State--[PA] Zip--[16248]

FAX--[ ]

Caller Type--[H]

Email--[amcdeavitt@comcast.net]

Work For--[AMY MCDEAVITT]

Called For Contractor--[PREVIOUS HOMEOWNER ]

Onsite Contact--[AMY MCDEAVITT]

Onsite Contact Phone--[724-234-8727]

Best Time to Call--[AFTER 1500]

Onsite Contact Email--[amcdeavitt@comcast.net]

Prepared--[22-Apr-19] at [1511] by [BRITTNEE GILLIAM]

Remarks--

[ ]

ADC0 ADC=COMCAST AH 0 AH =WINDSTREAM BR 0 BR =COLUMBIA GAS TR

KN 0 KN =WEST PENN POWER NB 0 NB =COL GAS NEWBETH RBB0 RBB=RIMERSBURG B/A

Serial Number--[20191123683]-[000]

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RESPONSES FOR 20191123683:

Ver	CDC	Name	Response	Time	Respondent
0	ADC	COMCAST	1-CLEAR NO FACIL	04/24/2019 11:54:24	CLS-WEBSVC
0	AH	WINDSTREAM	1-CLEAR NO FACIL	04/22/2019 15:16:02	CBO-WEBSVC
0	BR	COLUMBIA GAS TRANS BROOKV	1-CLEAR NO FACIL	04/22/2019 15:31:17	AAA-WEBSVC
0	KN	WEST PENN POWER	1-CLEAR NO FACIL	04/24/2019 12:09:30	CUS-WEBSVC
0	NB	COLUMBIA GAS OF PA INC NE	3-FIELD MARKED	04/23/2019 12:52:24	AAA-WEBSVC
0	RBB	RIMERSBURG B OF/RIMERSBUR	9-NO RESPONSE**	04/25/2019 00:34:59	-KARL

DELIVERIES FOR 20191123683:

Ver	CDC	Name	To	Time	Seq	Type
0	ADC	COMCAST	ADC	04/22/2019 15:11:48	4	MAIL
0	AH	WINDSTREAM	AH	04/22/2019 15:11:48	245	MAIL
0	BR	COLUMBIA GAS TRANS BROOKVILLE	BR	04/22/2019 15:11:48	6	MAIL
0	KN	WEST PENN POWER	KN	04/22/2019 15:11:49	592	MAIL
0	NB	COLUMBIA GAS OF PA INC NEW BE	NB	04/22/2019 15:11:49	8	MAIL
0	RBB	RIMERSBURG B OF/RIMERSBURG BO	RBB	04/22/2019 15:11:50	1	MAIL



NOTIFICATION AREA FOR 20191123683:



# **I&E Exhibit 2**

**CONFIDENTIAL**

# **I&E Exhibit 3**

**CONFIDENTIAL**

# **I&E Exhibit 4**

**CONFIDENTIAL**

# **I&E Exhibit 5**

**CONFIDENTIAL**

# **I&E Exhibit 6**

**CONFIDENTIAL**

# **I&E Exhibit 7**

**CONFIDENTIAL**

# **I&E Exhibit 8**

Question No. I & E 2-002  
Respondent: Rick Burke  
Manager Operations Compliance  
rburke@nisource.com  
Page 1 of 1

Columbia Gas of Pennsylvania,  
Inc.

Informal Investigation of Columbia Gas of Pennsylvania, Inc.'s Activities Relating to  
Possible Violations of State and Federal Regulations

Bp8CaseID# 3027365; 3028649

I&E Data Requests - Set 2

Question No. 002:

Indicate in specific detail the reasons provided by S-E-A to Columbia concerning how the butt fusion failed on the 2-inch plastic main on October 29, 2020 on Chestnut Street, Rimersburg, PA.

Response:

Concerning how the butt fusion failed, S-E-A explained to Columbia that during its lab investigation, the pipe was fractured to cause stress whiteness or tearing. (More white regions / tearing would show a quality fusion). However, only about 30% of the "stress whiteness" or "tearing" appeared on the circumference of the pipe. In addition, the fusion did not have the required intermixing of materials, specifically, only approximately 5% of commingling of the materials occurred.

# **I&E Exhibit 9**

**CONFIDENTIAL**

# **I&E Exhibit 10**

**CONFIDENTIAL**

# **I&E Exhibit 11**

**CONFIDENTIAL**

# **I&E Exhibit 12**

**CONFIDENTIAL**

# **I&E Exhibit 13**

**CONFIDENTIAL**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-
	:	
Columbia Gas of Pennsylvania, Inc.,	:	
Respondent	:	


**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Formal Complaint (Non-Proprietary and Proprietary Version)** dated October 5, 2023 upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Service by Electronic Mail**

Theodore J. Gallagher, Esq.  
NiSource Corporate Services Co.  
121 Champion Way, Suite 100  
Canonsburg, PA 15313  
[tjgallagher@nisource.com](mailto:tjgallagher@nisource.com)

Mark Kempic  
President  
Columbia Gas of Pennsylvania, Inc.  
121 Champion Way, Suite 100  
Canonsburg, PA 15313  
[mkempic@nisource.com](mailto:mkempic@nisource.com)

  
\_\_\_\_\_  
Kayla L. Rost  
Prosecutor  
Bureau of Investigation & Enforcement  
PA Attorney ID No. 322768  
(717) 787-1888  
[karost@pa.gov](mailto:karost@pa.gov)