BEFORE THE
DEPARTMENT OF PUBLIC UTILITIES
THE COMMONWEALTH OF MASSACHUSETTS

Interlocutory Order and Straw Proposal	)	Docket No. D.P.U 19-34-A
On Professional Engineering Regulations	)	

COMMENTS OF THE AMERICAN PUBLIC GAS ASSOCIATION

The American Public Gas Association ("APGA") is the national association of publicly-owned natural gas distribution systems. APGA was formed in 1961 as a non-profit, non-partisan organization, and currently has over 730 members in 38 states. Four APGA members serve natural gas to Massachusetts communities. In total, there are nearly 1,000 municipally-owned systems in the U.S. serving more than five million customers. Publicly-owned gas systems are not-for-profit retail distribution entities that are owned by, and accountable to, the citizens they serve. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies that have natural gas distribution facilities.

In its October 11, 2019 inquiry and request for comments, the Commonwealth of Massachusetts Department of Public Utilities (DPU) proposed to incorporate their Straw Proposal ("Straw Proposal") into regulations to implement G.L. c. 164, § 148 and applicable provisions of G.L. c. 112, § 81R subsection (1).

APGA supports the comments submitted by the Northeast Gas Association (NGA) and the American Gas Association (AGA). These comments are provided in addition and provide the perspective of publicly owned natural gas distribution companies.

General Comments

APGA believes it is critically important that individuals with the proper knowledge and skills review and approve construction drawings that impact the safe operation of a pipeline system. However, APGA strongly disagrees with the position of the National Transportation Safety Board (NTSB) and the

Commonwealth of Massachusetts that the sole means by which to verify an individual's knowledge and skills is through a Professional Engineering (PE) license. For decades the men and women who have designed, constructed, operated, and maintained natural gas distribution systems have gained the knowledge and skills to be true subject matter experts. Suggesting that hired Professional Engineer is better qualified to review work packages because they have a license negates the importance of system specific knowledge and experience. Often no one knows a system better than the individuals that work with it every day.

A PE license is obtained for a specific discipline, such as: chemical, civil, electrical and computer, or mechanical. It is worth noting that there is not a specific discipline for pipeline engineering. Therefore, a PE must rely upon their experience - not their education or skills tested during a PE exam - to complete the job. APGA believes this furthers the position that experience is paramount when developing construction packages for natural gas distribution systems. It is also important to note the limited quantity of PEs with experience designing natural gas systems. The demand and pressure placed on these individuals will become great if the DPUs requirements are implemented as proposed. This will lead to an increased cost for PE approved worked, resulting in less completed pipeline safety projects within a defined budget.

APGA supports the draft regulatory language proposed by both the U.S. Senate's Committee on Commerce, Science, & Transportation and the U.S. House of Representatives' Committee on Energy & Commerce mandating the development of a regulation requiring a "relevant qualified personnel, such as an engineer with a professional engineering licensure, subject matter expert, or other employee who possesses the necessary knowledge, experience and skills regarding natural gas distribution systems, review and certify construction plans for accuracy, completeness, and correctness." A regulation drafted in this manner allows for flexibility in defining the individuals deemed to be qualified instead of prescriptively defining Professional Engineers as the only qualified individuals.

The commitment by the gas systems in the state of Massachusetts to the adoption of the American Petroleum Institute (API) Recommended Practice (RP) 1173: *Pipeline Safety Management Systems* reinforces their dedication to ensure the quality review of construction drawings. For example, Section 8 of API RP 1173, Operational Controls, requires operators to implement and maintain procedures for Management of Change. A Management of Change procedure that conforms with API RP 1173, will include the oversight and review of construction drawings by qualified individuals. The DPU's Straw Proposal is duplicative of the API RP 1173 provision and prescribes the way operators are to meet a flexible and scalable RP.

Should the DPU decide to move forward with specifically requiring PE stamps on "complex work", APGA believes there are certain modifications that should be made so as to ensure that the list accurately represents the jobs that are truly complex and not routine. Many of the jobs included in the DPU's proposal are performed per company design and construction standards and operating procedures. APGA believes if a job is performed per a standard, then inherently it should not be deemed "complex." Additionally, APGA encourages the DPU to ensure that the requirements are scalable to operators of all sizes.

Specific Comments

Section 1.03 (5) – Use of Professional Engineers: Company Oversight

The DPU proposes to require a company to "ensure that all documents bearing a Professional Engineer's stamp are accurate, complete, and correct prior to commencing work." This provision nulls, in effect, the need for a PE stamp. If the onus is still placed on the operator to review and verify the work of the PE, then the employee of the company doing the review is the true subject matter expert. Requiring companies to both obtain a PE stamp and review the work of the PE is duplicative and expensive.

Effectively all that happens is a spreading of the liability from just the operator to both the operator and the hired engineering firm at a high cost.

Installation work on distribution mains: Involving two or more tie-ins (D1)

APGA requests the DPU consider narrowing the applicability of this requirement to installation work on distribution lines that involve *more than* two or more tie-in *locations*, instead of just "two or more tie-ins". Adding the word "location" prevents the scenario where more than two main lines are tied-in at one location. For example, in an intersection there may be three branches that are tied-in under one job plan. The risk associated with performing three tie-ins is not inherently more than performing two. APGA suggest that this example be modified to either "Involves more than two tie-in locations" or "Involves more than three tie-ins."

Distribution main replacement / extension projects within or crossing any public or private rights-of-way, including installation on bridges or installation that uses trenchless technology (G) & Definition for "trenchless technology"

APGA encourages the DPU to further refine their definition for "trenchless technology". As currently proposed, the definition reads "methods used to minimize excavation activity, such as horizontal directional drilling, tunneling, and auger boring." APGA does not believe it is the DPU's intent to include short installations using pneumatic tools, such as moling, but it is unclear in the proposed definition if this practice is excluded.

Installation of service lines that require the bypass of a distribution line to supply service (H)

APGA believes this job description is specific to bypasses on the distribution main, but believes a clarification is necessary. Equipment, such as the Mueller H-17440 Stopping Machine, exists to allow operators to perform maintenance operations without interrupting gas flow to the customer.

Installation or abandonment of service lines connecting to a distribution main with an MAOP exceeding 60 psig (J)

APGA suggests that the threshold for this proposed job type be increased to 100 psig. The standard operating pressure for distribution systems is typically between 60 psig to 100 psig. APGA believes the inherent risk associated with the abandonment of a service line on a 99 psig system does not warrant additional scrutiny than a service line abandonment on a 60 psig system. APGA understands the DPU would like to include high pressure systems, but believe this demarcation occurs above 100 psig not above 60 psig.

Installation of service lines if 2" or greater in nominal diameter (K) & Installation of large volume meter sets if the inlet line to the meter is 4" or greater in nominal diameter (M)

Both of these job descriptions fail to take into account operating pressure. In order to accurately reflect the amount of risk exposure, the pressure by which the system is operating needs to be taken into account. For example, a 4" service line on a low-pressure system is comparable to a 1/2" service line on a 60 psig system. APGA encourages the DPU to not use one variable, diameter, when determining the threshold for the proposed PE requirement.

APGA appreciates the opportunity to comment on this proposal and encourages further discussion on this proposal through technical sessions prior to it being finalized.

Respectfully submitted,

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