



April 15, 2021

Mark D. Marini, Secretary  
MA Department of Public Utilities  
One South Station, 5th Floor  
Boston, MA 02110

Re: Comments to D. P.U. 21-04, Inquiry by the Department of Public Utilities, Use of Professional Engineers by Natural Gas Companies

Dear Secretary Marini:

On December 31, 2018, Governor Baker signed into law, “An Act Ensuring the Safety and Soundness of the Commonwealth’s Natural Gas Infrastructure.” This regulation requires a professional engineer stamp on engineering plans or specifications for engineering work that could pose a material risk to public safety. The regulation also authorized the Department of Public Utilities (“Department”) to promulgate regulations, as necessary, to implement the new regulation.

On March 18, 2019, the Department issued an Inquiry seeking initial written comments on the issues that the professional engineer regulations should address. Reply comments were submitted by the Northeast Gas Association<sup>1</sup> (“NGA”) on May 2, 2019 in response to the initial comments filed.

On October 11, 2019, the Department issued an Inquiry seeking written comments on a “Straw Proposal.” The Department defined the purpose of the Straw Proposal to “establish specific criteria for the use of professional engineers in relation to natural gas engineering plans, work, or services that could pose a material risk to public safety.” Comments were submitted by NGA on November 4, 2019 in response to the “Straw Proposal.”

---

<sup>1</sup> NGA is a regional trade association that focuses on education and training, technology research and development, operations, planning, and increasing public awareness of natural gas in the Northeast U.S. NGA represents natural gas distribution companies, transmission companies, liquefied natural gas suppliers and associate member companies. Its member companies provide natural gas service to over 13 million customers in 9 states (CT, ME, MA, NH, NJ, NY, PA, RI, VT). Massachusetts members include: Berkshire Gas Company; Blackstone Gas Company; Eversource Energy; Holyoke Gas and Electric Department; Liberty Utilities; Middleborough Gas and Electric Department; National Grid; Unitil; Wakefield Municipal Gas and Light Department; and Westfield Gas and Electric Light Department.

On February 18, 2021, the Department instituted a rulemaking pursuant to G.L. c. 164, § 148; G.L. c. 30A, § 2; and 220 CMR 2.00, to establish requirements for Use of Professional Engineers for Gas Utility Work, 220 CMR 105.00.

NGA and the Commonwealth of Massachusetts gas operators appreciate the opportunity to offer comments regarding the rulemaking. We are committed to working with the Department to identify and facilitate the implementation of an engineering design review process that will result in the most desirable public safety outcome.

#### **COMMENTS:**

NGA would like to express its support for the comments submitted April 1, 2021 by the LDC Operators<sup>2</sup> regarding D.P.U. 21-04. The suggested changes to the proposed regulation and Guidelines clarify definitions, enhance workflow and ensure the accuracy of project designs.

NGA recommends that the Department also consider the additional efforts underway that address the intent of the regulation and mitigate risk, specifically application of Pipeline Safety Management System (PSMS) elements. On November 21, 2018, the Baker-Polito Administration issued a press release stating, “As part of efforts to ensure the safety of the Commonwealth’s natural gas distribution system, the Baker-Polito Administration today announced that the Northeast Gas Association (NGA) has committed to adopting a Pipeline Safety Management System (PSMS), the American Petroleum Institute’s (API) Recommended Practice 1173.” Governor Charlie Baker stated, “We are proud to work with the Northeast Gas Association and its members to ensure that a culture of safety is in place at every level of utility business operations, and that the best possible policies and oversight are in place to protect public safety.”

---

<sup>2</sup>

NSTAR Gas Company and Eversource Gas Company of Massachusetts each d/b/a Eversource Energy, Boston Gas Company and former Colonial Gas Company d/b/a National Grid, Liberty Utilities (New England Natural Gas Company) Corp. d/b/a Liberty, The Berkshire Gas Company, and Fitchburg Gas and Electric Light Company d/b/a Unutil

NGA and its members have been working with Department staff on state-wide implementation of API RP 1173. PSMS has and will continue to provide a consistent approach to safety and risk mitigation needed to enhance overall operational behaviors and, equally importantly, it represents a paradigm shift in sustainable safety culture focus. NGA believes that embedding a “Plan-Do-Check-Act” PSMS approach to day-to-day operations, including the engineering design review process, provides additional accountability and a defense-in-depth process that spans not only initial design, but includes an end-to-end approach to maximize public safety value - from design through construction execution and the commissioning of assets. In many cases, the layers-of-protection approach underpinning PSMS provides a greater degree of pipeline safety value than reliance on one credentialed engineer.

**CONCLUSION:**

NGA and the Commonwealth of Massachusetts gas operators appreciate the opportunity to present these comments. Our goal in offering these comments is to provide operationally focused considerations and alternatives which will help achieve our mutual goals of minimizing pipeline safety system risk while maximizing public safety value. We hope that our efforts will help the Department in achieving sustainable improvements, in the spirit of pipeline safety management system elements, to the Commonwealth’s gas safety objectives.

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas M. Kiley". The signature is fluid and cursive, with a long horizontal stroke at the end.

Thomas M. Kiley  
President & CEO

cc: Laurie Weisman, Hearing Officer