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## NY Regulator to Evaluate ConEd Violations Associated with Harlem Blast By [Sarah Smith](#) SNL

The New York State Public Service Commission on Nov. 19 voted to open a show cause proceeding to determine whether [Consolidated Edison Co. of New York Inc.](#) committed violations associated with the deadly 2014 Harlem gas [explosion](#). The New York State Department of Public Service — the staff arm of the PSC — identified 11 regulatory failures associated with the incident, Diane Dean, staff counsel, told commissioners at a Nov. 19 meeting. "Staff ... believes that sufficient evidence exists to conclude violations of [commission](#) gas safety regulations did occur. ... Staff believes that some of those caused or contributed to the incident, and some did not," Dean said.

For instance, both the DPS and the [National Transportation Safety Board concluded](#) that the ConEd plastic joint involved in the incident had been incorrectly fused. The DPS staff said that at the time the fusion was completed, ConEd was using worker qualifying procedures that were not "entirely consistent" with what is required in commission regulations, Dean said. The worker who completed the fusion in question had not completed the destructive testing component of the required training procedures, and DPS staff believes the plastic fusion was not done in accordance with commission regulations, according to Dean.

**Below: Kevin Speicher, New York State Department of Public Service Office of Electric, Gas and Water's safety section chief, on Nov. 19 addressed the New York State Public Service Commission regarding Consolidated Edison Co. of New York Inc.'s role in the 2014 Harlem gas explosion.**

*Source: New York State Public Service Commission*



Further, ConEd committed a rule violation by not repairing or replacing the faulty fusion, Dean asserted. The joint should not have passed a visual inspection, Dean said, and ConEd should have removed it sometime between when it was placed into service on Dec. 28, 2011, and when it failed on March 12, 2014. Dean also said that ConEd was not abiding by its own procedures when it failed to immediately call for fire department support when responding to the gas release report. The show cause order, which the PSC commissioners

unanimously approved, requires ConEd to demonstrate why the commission should not take penalty actions under public service law or convene a prudence proceeding for violations of gas safety regulations. "The ... order does not pre-judge or make any commission determinations of law or fact. Rather, it obligates ConEd to provide justification — if any exists — for the company's actions or inactions related to the East Harlem incident and the regulations that apply," Dean noted.

Depending on the outcome of the show cause proceeding, the commission could authorize counsel to proceed in state Supreme Court in a civil action; launch a commission administrative enforcement proceeding; or commence a prudence proceeding in which the commission — after further hearing — could disallow in rates any costs the commission decides ConEd had imprudently incurred, Dean said. The company has 30 days to respond, according to Dean.

Notably, ConEd disagreed with the NTSB analysis of the fusion, which the New York State DPS analysis echoed. The post-accident pipe has multiple cracks, and ConEd has identified another break that it

believes is responsible for the gas leak. "We maintain that a cracked fitting, damaged by undermined street infrastructure from a pre-existing sewer breach, was the source of the leak that led to the East Harlem gas explosion," the [Consolidated Edison Inc.](#) subsidiary said in a Nov. 19 statement. "We will respond to the questions and issues raised today by the Public Service Commission, and reiterate that we have been making significant enhancements in our public safety programs related to our gas delivery system."

The DPS also made a number of recommendations to improve safety going forward, Kevin Speicher, DPS Office of Electric, Gas and Water's safety section chief, told the commission during the meeting. For one, during routine inspections, companies should document road depressions, sink holes and other anomalies and should follow up with municipal authorities to prevent such issues from doing serious damage to underground infrastructure. Both the NTSB and the state DPS found that soil had been eroding through a hole in a city-managed sewer main for at least eight years, destabilizing the ground supporting the gas main and service line that were involved in the explosion, Speicher noted. ConEd should also ensure strict compliance with its operator qualification plan and verify compliance through a robust quality assurance program, he said. With respect to the physical system, ConEd should review the adequacy of its valve placements, he added. Prior to the Harlem incident, ConEd had not abided by its own internal requirements when the company did not install a valve that would have more readily allowed the company to shut off gas near the explosion site, staff found. While more apt valve placement would not have prevented the explosion, Speicher noted, it would have allowed the company to more quickly stop gas from flowing to the ruptured line. Finally, he urged the company to continuously review its public outreach program and explore additional ways to encourage the public to report gas odors.

The March 2014 explosion — which resulted in eight deaths, more than 50 injuries and over 100 displacements — [highlighted](#) concerns about the public's natural gas safety awareness in New York, Speicher said during the meeting. News reports indicated that some people in the vicinity of the Harlem explosion had smelled natural gas but had not immediately called ConEd, and in response, the PSC doubled down on recommendations that state gas utilities do more to increase public awareness. ConEd also has taken steps to find and respond to leaks more quickly and effectively. "We ... agree on the importance of doing [everything in our control](#) to prevent a tragedy like this from happening again. We implemented monthly gas leak patrols, enhanced response protocols with the fire department, and are working closely with the city on coordinating street infrastructure projects. Most of all, we again stress the importance of the public calling 911 or their local gas utility right away at the first sign of a gas odor," the company said in its Nov. 19 statement.