

The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

PIPELINE SAFETY DIVISION

INCIDENT REPORT

126 Prince Street
Needham, Massachusetts
November 4, 2023

PIPELINE SAFETY DIVISION

126 Prince Street, Needham, Massachusetts

November 4, 2023

NSTAR Gas Company d/b/a Eversource Energy

Estimated Property Damage (per PHMSA report): \$391,578

Injuries: One individual receiving medical treatment but not requiring overnight in-patient hospitalization

Report Issued: April 3, 2025

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EXHIBIT LIST

- Exhibit 1: Eversource Report to Pipeline and Hazardous Materials Safety Administration dated December 4, 2023
- Exhibit 2: Eversource Incident Analysis Report
- Exhibit 3: Eversource Dig Safe Violation Report, D.P.U. 23-DS-1260U
- Exhibit 4: R.J. Devereaux Dig Safe Violation Report, D.P.U. 23-DS-1260E
- Exhibit 5: R.J. Devereaux Incident Analysis Report
- Exhibit 6: Pipeline Safety Division Dig Safe Violation Report, D.P.U. 23-DS-1260I
- Exhibit 7: D.P.U. 23-PL-64, NSTAR Gas Company d/b/a Eversource Energy Notice of Probable Violation
- Exhibit 8: D.P.U. 23-PL-64, NSTAR Gas Company d/b/a Eversource Energy Informal Review Decision
- Exhibit 9: D.P.U. 23-DS-1260I, R.J. Devereaux Notice of Probable Violation
- Exhibit 10: D.P.U. 23-DS-1260I, R.J. Devereaux Informal Review Decision
- Exhibit 11: Telephonic Incident Notification

I. INTRODUCTION

A. Scope of the Investigation

The Massachusetts Department of Public Utilities (“Department”), Pipeline Safety Division (“Division”), pursuant to G.L. c. 164, § 105A and a Federal Certification Agreement as provided for in 49 U.S.C. § 60105, has investigated a natural gas related house fire at 126 Prince Street, Needham, on November 4, 2023, resulting in estimated property damage of \$391,578 and one individual seeking medical treatment (“Incident”).

Pursuant to 49 U.S.C. § 60105(c), and as part of the Department’s annual certification process by the United States Department of Transportation (“U.S. DOT”), the Department must report to the U.S. DOT:

each accident or incident . . . involving a fatality, personal injury requiring hospitalization, or property damage or loss of more than an amount the [U.S. DOT] Secretary establishes, any other accident the [Department] considers significant, and a summary of the investigation by the [Department] of the cause and circumstances surrounding the accident or incident.

The Department has established procedures for determining the nature and extent of violations of codes and regulations pertaining to the safety of pipeline facilities and the transportation of gas, including but not limited to, G.L. c. 164, §§ 76, 76C, and 105A and 220 CMR §§ 69.00 and 101.00 through 115.00. The Division, on behalf of the Department, also enforces the U.S. DOT safety standards for gas pipeline systems as set forth in 49 CFR Parts 40, 192, 193, and 199.

B. Brief Overview of Incident

On November 4, 2023, the Division responded to a report of a gas related incident, as defined in 49 CFR Part 191, §191.3, at the NSTAR Gas Company d/b/a Eversource Energy (“Eversource”) facilities at 126 Prince Street, Needham. R.J. Devereaux Corporation

(“Devereaux”), a contractor for Eversource, struck a gas service with machinery, resulting in a house fire. One Devereaux crew member sustained injuries requiring treatment at a nearby hospital and the house was demolished on the day of the Incident.

C. Procedural History of Investigation and Enforcement

The Division, on behalf of the Department, began an investigation on the day of the Incident that included incident response and a review of applicable Eversource and Devereaux records. On December 8, 2023, the Division issued an initial set of information requests to Eversource related to the Division’s investigation of the Incident. Eversource responded to the information requests on January 19, 2023, and February 1, 2024. As part of its response to these information requests, Eversource provided to the Division the Incident Report dated December 4, 2023 that it submitted to PHMSA (Exhibit 1), and an incident analysis report related to its investigation of the Incident and recommendations (“Eversource Incident Analysis Report”) (Exhibit 2). On December 1, 2023, Eversource submitted a Dig Safe Violation Report, (“DSVR”) 23-DS-1260U (Exhibit 3), to the Division with accompanying documents. On January 18, 2024, Devereaux submitted a DSVR, 23-DS-1260E (Exhibit 4), to the Division with its own incident analysis report (“Devereaux Incident Analysis Report”) (Exhibit 5). Additionally, a Division inspector submitted a DSVR, 23-DS-1260I (Exhibit 6), on February 14, 2024 with accompanying documents.

On July 11, 2024, after reviewing the responses to the information requests from Eversource and other documentation, the Division issued a Notice of Probable Violation (“NOPV”), D.P.U. 23-PL-64, to Eversource (Exhibit 7), alleging violations of federal pipeline safety regulations and state damage prevention laws and regulations. Eversource requested an informal conference, which was held on October 30, 2024. At the informal conference,

Eversource did not contest the factual allegations in the NOPV, but reviewed in detail items in the original Compliance Agreement, including areas where it was seeking further clarification or had concerns about language used. Eversource also presented documentation to show the remedial actions it has taken, or is in the process of taking, to address some of the issues raised in the NOPV. In consideration of the topics discussed at the informal conference, and in review of the documentation provided, the Division issued an Informal Review Decision on February 7, 2025 with a revised the Compliance Agreement. Eversource signed the consent order for 23-PL-64 on February 13, 2025, which assessed a civil penalty of \$150,000 (Exhibit 8).

On July 11, 2024, the Division also issued Devereaux an NOPV, D.P.U. 23-DS-1260I (Exhibit 9), alleging violation of the state damage prevention laws and regulations. Devereaux requested an informal conference, which was held on October 30, 2024. At the informal conference, Devereaux did not contest the factual allegations in the NOPV, but did request a reduction of the \$150,000 civil penalty amount based on corrective actions taken after the Incident. After review, the Division declined to reduce the civil penalty amount and issued an Informal Review Decision on February 7, 2025. Devereaux signed the consent order for 23-DS-1260I on March 5, 2025, which assessed a civil penalty of \$150,000 (Exhibit 10).

II. OVERVIEW OF PROJECT, INCIDENT, AND INVESTIGATION

On Saturday November 4, 2023, at approximately 9:00 a.m., the Division received a Telephonic Incident Notification (Exhibit 11) that an excavator struck a gas service resulting in an ignition inside a building at 126 Prince Street, Needham. The Division responded to the location of the Incident and discovered that R.J. Devereaux Corporation (“Devereaux”) was working as a contractor for Eversource to install a new gas service at the residence. While excavating along the side of 126 Prince Street at approximately 7:45 a.m., a Devereaux crew

member struck the active steel service with an excavator. At the time of the Incident, the service fed an inside meter set. The hit service line resulted in a release of gas and ignition within the residence. One Devereaux crew member sustained injuries requiring treatment at a nearby hospital, and the house was demolished on the day of the Incident. Fortunately, nobody was in the home at the time of the incident.

Eversource hired Devereaux as a contractor for a project to relay mains and services at and around Prince Street, Needham. Devereaux was contractually responsible for locating facilities within the proposed work area. On September 7, 2023, Eversource called in a Dig Safe Ticket listing Devereaux as the excavator for work to be performed along Prince Street. The scope of work included the area from the street to the houses. On September 5, 2023, a locator employed by Devereaux performed a markout at 126 Prince Street. Devereaux had access to Eversource's maps and records for the project. The Eversource Incident Analysis Report provides that the "locator stated he performed a conductive markout by connecting the locating equipment to the regulator vent line and marked out the residence with marker flags and paint." According to the Devereaux Incident Analysis Report, in an interview after the Incident, the locator reported that he did not go into the basement, but he direct connected his markout equipment to the vent coming out of the basement and the equipment produced a "strong signal." When the locator went to verify his marks with the service card for 126 Prince Street, it did not match. The multiple markout form dated September 5, 2023 ("Multi-Markout Form")¹ documented this discrepancy. The locator then left 126 Prince Street and went to 140 Prince

¹ Notably, the Multi-Markout Form reflected that the meter was outside, even though the meter was inside the basement. The Multi-Markout Form also reflected that the locator gained access to the meter.

Street. When the locator started working on 140 Prince Street, he identified the differences in the service cards and property locations in reference to Kerrydale Road. The Devereaux Incident Analysis Report provides that the locator then “went back to 126 Prince Street with one of the service cards from 140 Prince Street and some of the measurements near the street seemed to match.” The locator noted on the Multi-Markout Form that a test hole was necessary for both 126 Prince Street and 140 Prince Street.

On September 8, 2023, three days after the locator completed the markout, pre-excavation photographs were taken by Devereaux. These pre-excavation photographs show that while the main on Prince Street and service at the front of the yard of 126 Prince Street were marked with flags and paint, there were no flags or markings on the side yard of 126 Prince Street where the service was struck and damaged on the day of the Incident. On October 2, 2023, Eversource renewed Dig Safe Ticket 20233610205 for the Prince Street project and was assigned Dig Safe Ticket No. 20234001382.

On October 4, 2023, a month prior to the incident, the locator, a Devereaux foreman, and an Eversource inspector reviewed the Multi-Markout Form. The locator explained the discrepancy between the marks on the ground and the service card at 126 Prince Street. The Eversource Incident Analysis Report provides: “The service card indicated the service was at a 45-degree angle to the front of the house and followed by another 45-degree angle running parallel to the side of the house, with a final 90-degree angle leading into the house. The marks on the driveway showed a 90-degree angle running parallel to the front of the house, followed by a 90-degree angle parallel to the side of the house.” On October 4, 2023, the foreman completed a test hole where the trench for the new main would cross the existing service and its location was verified in the street at the existing main. Following the Incident, the foreman claimed that

he direct connected to the tee in the street to identify the service. Neither the Eversource inspector nor the Devereaux foreman walked around 126 Prince Street to confirm the presence of flags on the side of the house on October 4, 2023. On October 26, 2023, the Dig Safe ticket was renewed again and assigned Ticket No. 20234311452.

On November 4, 2023, the Division conducted a series of individual interviews with the three members of the Devereaux crew who were on scene at the time of the Incident. The evidence shows that from approximately 6:45 a.m. to 7:15 a.m., the Devereaux crew arrived at 126 Prince Street, reviewed the job brief for the day, walked the job site, and prepared their work for the day. At approximately 7:25 a.m., the foreman began to excavate a trench within the street where the new service would be installed. The foreman was acting as the machine operator on the day of the Incident. Simultaneously, a laborer began to hand excavate alongside the side of the house and foundation where the new service was to be installed. The laborer did not expose the existing active steel gas service or confirm its location at this time. When the street excavation was completed, the foreman continued machine excavation along the side of the house where the laborer was hand digging. The Devereaux crew reported that based on its review of the service card, it did not expect to conduct machine excavation over the active service. The Eversource Incident Analysis Report provides: “The foreman and laborer stated there was a yellow markout flag behind the condenser pad. Based on the location of the flag, the foreman believed they were outside of the tolerance zone and the crew proceeded to mechanically excavate the trench.”

At approximately 7:45 a.m., the Devereaux crew struck the active gas service with the excavator causing gas to release. The Eversource Incident Analysis Report reads: “The foreman felt a tug as the machine was being operated to excavate. The laborer then started to hand-dig to

locate the impacted object. The laborer told the foreman that he could hear blowing gas.” At that time, it was believed that the gas leak was outside of the residence where the machinery struck the service. The Devereaux crew attempted to shut off the gas at the curb valve but was unsuccessful because they did not have the proper valve key.

While the laborer was still attempting to locate the service, the house ignited at approximately 7:51 a.m. The laborer was injured at this time and treated at the hospital before returning to the site. Immediately after the ignition, the Devereaux crew sought to evacuate any residents from the home. Police were notified and fire trucks arrived on scene at approximately 7:58 a.m. First responders and the Devereaux crew learned that there were no residents or animals inside the home. The Devereaux crew underwent Drug and Alcohol testing at AFC Urgent Care located at 370 Providence Highway, Dedham, between 3:55 p.m. and 4:20 p.m. on the day of the Incident.

On November 7, 2023, the Division returned to 126 Prince Street, Needham, along with Eversource, Devereaux, the Massachusetts State Police, and other parties. At this time, the home had been demolished with the service line still in place. During this inspection, the utility line was marked out true to the service card. Further, the service was marked out via indirect locating, direct locating, as well as physically revealed through vacuum excavation. Locating the facility confirmed that the service line’s actual location differed from what the service card indicated. Eversource’s service card for 126 Prince Street, Needham was inaccurate and had still not been updated as of November 7, 2023.

III. FINDINGS

A. Damage Prevention

Eversource's Operations & Maintenance Plan OM-150 entitled "Damage Prevention and Markout of Gas Facilities" ("OM-150") lays out procedures to be followed in preparation for excavation to avoid damage to gas facilities. OM-150 Section IV. A. entitled "Requests on Behalf of Eversource Gas (Massachusetts)" requires Eversource to "[e]nsure that the proposed area of excavation is premarked according to means deemed acceptable under state regulations." Eversource pre-excavation photos and on-site investigation do not yield any evidence that the proposed work area was premarked in accordance with 220 CMR 99.03.

The Dig Safe tickets for this project indicated that Eversource and Devereaux would be relaying mains and services from the street to the houses along Prince Street. OM-150 also states: "For excavations by, or on behalf, of Eversource Gas, all gas facilities within the scope of the DS ticket shall be located, marked out and actions taken and recorded in accordance with this procedure." The Multi-Markout Form authored by Devereaux personnel dated September 5, 2023, states that the excavation area was marked with both paint and flags. Pre-excavation photographs dated September 8, 2023, show that there were no service markings or flags on the side of 126 Prince Street where the Incident took place. In addition, the Multi-Markout Form mistakenly indicates that 126 Prince Street Needham had an outside meter set, when it was in fact an inside meter set. Further, the Multi-Markout Form falsely suggests that the locator gained inside access to the meter within the house, however, it was later revealed that all markouts were performed outside the residence.

OM-150 Section F states: "Additional markings are required where there are changes of direction and terminus points of the facility." The Eversource Incident Analysis Report

provides, however, that “[a]dditional markings indicating the change of direction were not observed on the lawn that paralleled the side of the house.”

OM-150 also states: “When, as a result of a locate request, a Company designee becomes aware of gas facilities which are missing or not properly depicted in GIS or other records, a sketch or description of the change to the facility, with accurate measurements, shall be sent to Mapping, by the Locator or Supervisor and will provide in accordance with company procedures Emergency tickets OM-050, Mapping and ADM.” The Eversource Incident Analysis Report states that Eversource was made aware of the discrepancies between the service card and the markings by Devereaux personnel on October 4, 2023. Nevertheless, Eversource did not update the service card prior to the Incident on November 4, 2023. Further, the Devereaux foreman neither recognized nor responded to the inaccurate Multi-Markout Form in accordance with WP-OP-108.

OM-150 also requires that “[r]enewal requests [for Dig Safe tickets] should be handled in a manner similar to a first-time notification. Any discussions with the Excavator will be documented in the database...” Eversource called in a Dig Safe ticket for the first time on September 7, 2023. Eversource made renewal requests for Dig Safe tickets on October 2, 2023 and October 26, 2023. Nevertheless, Devereaux did not document that it conducted any additional markouts on the Multi-Markout Form after September 5, 2023. In response to an information request, Eversource stated: “Eversource did not find confirmation of any additional mark outs occurring between the initial mark out and the day of the incident.”

B. Equipment Calibration

Throughout this project, Devereaux used a Vivax Metrotech 810 Utility Locator to locate the facilities within the neighborhood. Eversource provided the Division its equipment log

calibration sheets from Devereaux, identifying that the Vivax Metrotech 810 with serial number 21302151499 was the tool used. This equipment calibration log shows a record of the equipment being calibrated every Tuesday from August 22, 2023, through October 24, 2023. Eversource's procedure OM-440-ADM states that calibrations shall be based on the manufacturer's recommendation. VM-810/850 Pipe and Cable Locator User Handbook states: "The centerline, signal strength, and depth of your VM-810/VM-850 receiver have been calibrated to factory specified tolerances. It is to your advantage to monitor the performance of your VM-810/VM-850 receiver on a weekly basis." There are no calibration records between Tuesday October 24, 2023, and the day of the Incident, Saturday November 4, 2023. It is a concern that excavator submitted a history of equipment calibration for every Tuesday of every week up until the week of the Incident. The week of the incident there are no records.

C. Drug and Alcohol Testing

Eversource's procedure for drug and alcohol testing post-accident is set forth in PS-199 Gas Pipeline Safety Drug and Alcohol Testing Plan ("PS-199").² Section "XV. Alcohol Tests" of PS-199 states that alcohol testing shall be conducted after any accident where a contractor's performance of a covered function either contributed to the accident or cannot be completely

² Accident is defined under PS-199 as: (1) An event that involves a release of gas from a pipeline, or of liquefied natural gas, or gas from an LNG facility, and that results in one or more of the following consequences: (i) A death, or personal injury necessitating inpatient hospitalization; (ii) Estimated property damage of \$129,300 or more, including loss to the operator and others, or both, but excluding cost of gas lost; (iii) Unintentional estimated gas loss of three million cubic feet or more; (2) An event that results in an emergency shutdown of an LNG facility. Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident. (3) An event that is significant in the judgment of the operator, even though it did not meet the criteria of paragraphs (1) or (2) of this definition.

discounted as a contributing factor to the accident. PS-199 states that the “testing should be conducted as soon as practicable following the accident, but an injury should be treated first.” PS-199 also provides that if an alcohol test cannot be conducted within two hours following the accident, then the reasons for the delay must be documented and maintained on file. PS-199 further provides that if an alcohol test cannot be conducted within eight hours following the accident, then attempts to administer the test shall cease to be conducted and reasons for the failure to test shall be documented and maintained on file. Eversource did not conduct alcohol testing for any of the Devereaux crew within either the requisite two-hour timeframe or the eight-hour time frame. Eversource provided records showing that the Devereaux crew who were involved in the Incident were tested for alcohol at AFC Urgent Care between 3:55 p.m. and 4:20 p.m. on November 4, 2023, the day of the incident. Therefore, alcohol testing was not conducted until more than eight hours after the accident, in conflict with PS-199, which requires that attempts to administer the test cease and the reasons for the failure to test be documented. In addition, Eversource failed to provide documentation showing the reasons for the failure to test within two hours, as required by PS-199.

IV. SUMMARY OF FINDINGS

- Devereaux, acting on behalf of Eversource, failed to accurately mark out the service line prior to the Incident.
- Eversource, when notified that the service card was inaccurate, failed to correct the maps and records of the service.
- Devereaux used mechanical means to excavate without visual confirmation of the service and tolerance zone.

- Eversource failed to ensure that Devereaux properly calibrated the electronic markout equipment after October 24, 2023.
- Eversource failed to execute alcohol testing per its own accident investigation standards.

V. CONCLUSION


Based on the Division's review of all relevant information, the Division finds that the combination of incomplete markouts, inaccurate records, and a failure to comply with relevant procedures contributed to the Devereaux crew striking the active service and the resulting home explosion. The Division also concludes Eversource violated federal pipeline safety regulations, and state damage prevention laws and regulations, as follows:

- 49 C.F.R. § 192.13(c) - What general requirements apply to pipelines regulated under this part?
- 49 C.F.R. § 192.605(a) - Procedural manual for operations, maintenance, and emergencies.
- 49 C.F.R. § 192.614(a) - Damage prevention program.
- G.L. c. 82 § 40B: Designation of Location of Underground Facilities
- 220 CMR 99.06(1): Marking Procedures
- 220 CMR 99.03(1): Premarking
- 49 C.F.R. § 199.225(a) - Alcohol tests required.

Additionally, the Division concludes that Devereaux failed to maintain the designation marking of underground facilities, as required by G.L. c. 82, § 40C and 220 CMR 99.07(4), failed to request remarking due to the obliteration, destruction, or other removal of such markings, as required by G.L. c. 82, § 40C and 220 CMR 99.07(4), and failed to perform the excavation using non-mechanical means and failed to employ reasonable precautions to avoid damage to the underground facilities, as required by G.L. c. 82, § 40C and 220 CMR 99.07(3).

EXHIBIT 1

Eversource Report to Pipeline and Hazardous Materials Safety Administration dated December 4, 2023

NOTICE: This report is required by 49 CFR Part 191. Failure to report can result in a civil penalty as provided in 49 USC 60122.		OMB NO: 2137-0635 EXPIRATION DATE: 6/30/2026
 U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration	Original Report Date:	12/04/2023
	No.	20230072-38898 ----- (DOT Use Only)

INCIDENT REPORT - GAS DISTRIBUTION SYSTEM

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2137-0635. Public reporting for this collection of information is estimated to be approximately 12 hours per response, including the time for reviewing instructions, gathering the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding the burden or any other aspect of this collection of information, including suggestions for reducing the burden to: Information Collection Clearance Officer, PHMSA, Office of Pipeline Safety (PHP-30) 1200 New Jersey Avenue, SE, Washington, D.C. 20590.

INSTRUCTIONS

Important: Please read the separate instructions for completing this form before you begin. They clarify the information requested and provide specific examples. If you do not have a copy of the instructions, you can obtain one from the PHMSA Pipeline Safety Community Web Page at <https://www.phmsa.dot.gov/pipeline/library/forms>

PART A - KEY REPORT INFORMATION

Report Type: (select all that apply)	Original:	Supplemental:	Final:
	Yes		
Last Revision Date			
1. Operator's OPS-issued Operator Identification Number (OPID):	2652		
2. Name of Operator	NSTAR GAS COMPANY		
3. Address of Operator:			
3a. Street Address	157 CORDAVILLE ROAD		
3b. City	SOUTHBOROUGH		
3c. State	Massachusetts		
3d. Zip Code	01772		
4. Local time (24-hr clock) and date of incident:	11/04/2023 08:00		
4a. Time Zone for local time (select only one)	Eastern		
4b. Daylight Saving in effect?	Yes		
5. Location of Incident:			
5a. Street Address or location description	126 Prince St		
5b. City	Needham		
5c. County or Parish	Norfolk		
5d. State:	Massachusetts		
5e. Zip Code:	02492		
5f. Latitude / Longitude	42.27603, -71.22185		
6. Gas released:	Natural Gas		
- Other Gas Released Name:			
7. Estimated volume of gas released unintentionally: - thousand standard cubic feet (mcf)	72.000		
8. Estimated volume of intentional and controlled release/blowdown:thousand standard cubic feet (mcf)	0		
9. Were there fatalities?	No		
- If Yes, specify the number in each category:			
9a. Operator employees			
9b. Contractor employees working for the Operator			
9c. Non-Operator emergency responders			
9d. Workers working on the right-of-way, but NOT associated with this Operator			
9e. General public			
9f. Total fatalities (sum of above)	0		
10. Were there injuries requiring inpatient hospitalization?	No		
- If Yes, specify the number in each category:			
10a. Operator employees			

10b. Contractor employees working for the Operator	
10c. Non-Operator emergency responders	
10d. Workers working on the right-of-way, but NOT associated with this Operator	
10e. General public	
10f. Total injuries (sum of above)	0
11. What was the Operator's initial indication of the Failure? (<i>select only one</i>)	Local Operating Personnel, including contractors
- If Other, Specify:	
11a. If "Controller", "Local Operating Personnel, including contractors", "Air Patrol", or "Ground Patrol by Operator or its contractor" is selected in Question 11, specify.	Contractor working for the Operator
12. Local time operator identified failure	11/04/2023 07:48
If 11 = Notification from Emergency Responder, skip questions 13 through 15.	
13. Did the operator communicate with Local, State, or Federal Emergency Responders about the incident?	Yes
- If No, skip A14 and A15	
14. Which party initiated communication about the incident?	Operator
15. Local time of initial Operator and Local/State/Federal Emergency Responder communication	11/04/2023 07:52
16. Local time operator resources arrived on site:	11/04/2023 08:16
17. Local time of confirmed discovery:	
18. Local time (24-hr clock) and date of initial operator report to the National Response Center:	11/04/2023 09:31
19. Initial Operator National Response Center Report Number:	1383441
19a. Additional NRC Report numbers submitted by the operator:	1383554
20. Method of Flow Control (<i>select all that apply</i>)	
"Key/Critical" Valve – inspected in accordance with Part 192.747	
Main Valve other than "Key/Critical"	
Service (curb) Valve	Yes
Meter/Regulator shut-off Valve	
Excess flow valve	
Squeeze-Off	
Stopple fitting	
Other	
- If Other, Specify:	
21. Did the gas ignite?	Yes
If A21 = Yes, answer A21a through A21d.	
21a. Local time of ignition	11/04/2023 07:51
21b. How was the fire extinguished?	Local/State/Federal Emergency Responder
- If Other, Specify:	
21c. Estimated volume of gas consumed by fire (MCF): (must be less than or equal to A7.)	72.00
21d. Did the gas explode?	Yes
22. Number of general public evacuated:	0
PART B - ADDITIONAL LOCATION INFORMATION	
1. Was the Incident on Federal land?	No
2. Location of Incident	Private property
3. Area of Incident:	Underground
Specify:	Exposed due to excavation
If Other, Describe:	
3a. Depth of Cover:	■
3b. Were other underground facilities found within 12 inches of the failure location?	No
4. Did Incident occur in a crossing?	No
- If Yes, specify type below:	
- If Bridge crossing –	
Cased/ Uncased:	
- If Railroad crossing –	

Cased	
Uncased	
Bored/drilled	
- If Road crossing –	
Cased	
Uncased	
Bored/drilled	
- If Water crossing –	
Cased	
Uncased	
Bored/drilled	
Name of body of water (If commonly known):	
Approx. water depth at time and location of Incident (ft):	
(select only one):	

PART C - ADDITIONAL FACILITY INFORMATION	
1. Indicate the type of pipeline system:	Investor Owned
- If Other, specify:	
2. Part of system involved in Incident:	Service
- If Other, specify:	
2a. Year item involved in the incident was installed:	1963
2b. Year item involved in the incident was manufactured:	Unknown
When 2.is any value other than "Main", "Main Valve", "District Regulator/Metering Station", or "Other":	
2c. Indicate the customer type: (select only one)	Single Family Residential
2d. Was an EFV installed on the service line before the time of the incident?	No
If 2d = Yes, then 2e. Did the EFV activate?	
2f. Was a curb valve installed on the service line before the time of the incident?	Yes
3. When 2. is "Main" or "Service" answer 3a through c and 4:	
3a. Nominal Pipe Size:	1
3b. Pipe specification (e.g., API 5L, ASTM D2513):	Unknown
3c. Pipe manufacturer:	Unknown
4. Material involved in Incident:	Steel
- If Other, specify:	
4a. If Steel, Specify seam type:	Seamless
- If Other, specify:	
4b. If Steel, Specify wall thickness (inches):	0.083
4c. If Plastic, Specify type:	
- If Other, describe:	
4d. If Plastic, Specify Standard Dimension Ratio (SDR):	
Or wall thickness:	
Unknown	
4e. If Polyethylene (PE) is selected as the type of plastic in Part C, Question 4.c:	
- Specify PE Pipe Material Designation Code (i.e. 2406, 3408, etc.)	
Unknown?	
5. Type of release involved :	Other
- If Mechanical Puncture - Specify Approx. size:	
Approx. size: in. (axial):	
in. (circumferential):	
- If Leak - Select Type:	
- If Other, Describe:	
- If Rupture - Select Orientation:	
- If Other, Describe:	
Approx. size: (widest opening):	
(length circumferentially or axially):	
- If Other - Describe:	Excavation damage from contact with small excavator

PART D - ADDITIONAL CONSEQUENCE INFORMATION	
1. Class Location of Incident:	Class 3 Location
2. Estimated Property Damage:	
2a. Estimated cost of public and non-Operator private property damage paid/reimbursed by the Operator	\$350,900
2b. Estimated cost of Operator's property damage & repairs	\$2,771
2c. Estimated cost of emergency response	\$37,907
2d. Estimated other costs	\$0
- Describe:	2a: Based on assessed dwelling value. Responsibility for reimbursement tbd.
2e. Property damage subtotal (sum of above)	\$391,578
Cost of Gas Released	
Cost of Gas in \$ per thousand standard cubic feet (mcf):	\$7.68
2f. Estimated cost of gas released unintentionally	\$553
2g. Estimated cost of gas released intentionally during controlled release/blowdown	\$0
2h. Total estimated cost of gas released (sum of 2f and g)	\$553
2i. Estimated Total Cost (sum of 2e and 2h)	\$392,131
3. Estimated number of customers out of service:	
3a. Commercial entities	0
3b. Industrial entities	0
3c. Residences	1
Injured Persons not included in A10 The number of persons injured, admitted to a hospital, and remaining in the hospital for at least one overnight are reported in A10. If a person is included in A10, do not include them in D4.	
4. Estimated number of persons with injuries requiring treatment in a medical facility but not requiring overnight in-patient hospitalization:	1
If a person is included in 4, do not include them in 5.	
5. Estimated number of persons with injuries requiring treatment by EMTs at the site of incident:	0
Buildings Affected	
6. Number of residential buildings affected (evacuated or required repair or had gas service interrupted):	1
7. Number of business buildings affected (evacuated or required repair or had gas service interrupted):	0
PART E - ADDITIONAL OPERATING INFORMATION	
1. Estimated pressure at the point and time of the Incident (psig):	
2. Normal operating pressure at the point and time of the Incident (psig):	
3. Maximum Allowable Operating Pressure (MAOP) at the point and time of the Incident (psig):	
3a. MAOP established by 49 CFR section:	192.619(a)(2)
3b. Date MAOP established:	06/10/1963
4. Describe the pressure on the system relating to the Incident:	Pressure did not exceed MAOP
5. Type of odorization system for gas at the point of failure:	injection pump
- If Other, Specify:	
6. Odorant level near the point of failure measured after the failure:	
Not Measured	Yes
7. Was a Supervisory Control and Data Acquisition (SCADA) based system in place on the pipeline or facility involved in the Incident?	Yes
- If Yes:	
7a. Was it operating at the time of the Incident?	Yes
7b. Was it fully functional at the time of the Incident?	Yes
7c. Did SCADA-based information (such as alarm(s), alert(s), event(s), and/or volume or pack calculations) assist with the initial indication of the Incident?	No

7d. Did SCADA-based information (such as alarm(s), alert(s), event (s), and/or volume calculations) assist with the confirmed discovery of the Incident?	No
8. Was an investigation initiated into whether or not the controller(s) or control room issues were the cause of or a contributing factor to the Incident? (select all that apply):	No, the Operator did not find that an investigation of the controller(s) actions or control room issues was necessary due to: (provide an explanation for why the Operator did not investigate)
- If "No, the operator did not find that an investigation of the controller(s) actions or control room issues was necessary due to:" (provide an explanation for why the operator did not investigate)	This was an excavator damage by 2nd party contractor.
- If Yes, Specify investigation result(s) (select all that apply):	
- Investigation reviewed work schedule rotations, continuous hours of service (while working for the Operator), and other factors associated with fatigue	
- Investigation did NOT review work schedule rotations, continuous hours of service (while working for the Operator), and other factors associated with fatigue	
- Provide an explanation for why not:	
- Investigation identified no control room issues	
- Investigation identified no controller issues	
- Investigation identified incorrect controller action or controller error	
- Investigation identified that fatigue may have affected the controller(s) involved or impacted the involved controller(s) response	
- Investigation identified incorrect procedures	
- Investigation identified incorrect control room equipment operation	
- Investigation identified maintenance activities that affected control room operations, procedures, and/or controller response	
- Investigation identified areas other than those above	
Describe:	
PART F - DRUG & ALCOHOL TESTING INFORMATION	
1. As a result of this Incident, were any Operator employees tested under the post-accident drug and alcohol testing requirements of DOT's Drug & Alcohol Testing regulations?	No
- If Yes:	
1a. How many were tested:	
1b. How many failed:	

2. As a result of this Incident, were any Operator contractor employees tested under the post-accident drug and alcohol testing requirements of DOT's Drug & Alcohol Testing regulations?	Yes
- If Yes:	
2a. How many were tested:	3
2b. How many failed:	0
PART G - CAUSE INFORMATION	
<i>Select only one box from PART G in shaded column on left representing the Apparent Cause of the Incident, and answer the questions on the right. Enter secondary, contributing, or root causes of the Incident in Part J – Contributing Factors.</i>	
Apparent Cause:	G3 - Excavation Damage
G1 - Corrosion Failure – only one sub-cause can be picked from shaded left-hand column	
Corrosion Failure Sub-Cause:	
- If External Corrosion:	
1. Results of visual examination:	
- If Other, Specify:	
2. Type of corrosion:	
- Galvanic	
- Atmospheric	
- Stray Current	
- Microbiological	
- Selective Seam	
- Other	
- If Other, Describe:	
2a. If 2. is Stray Current, specify	
2b. Describe the stray current source:	
3. The type(s) of corrosion selected in Question 2 is based on the following:	
- Field examination	
- Determined by metallurgical analysis	
- Other	
- If Other, Describe:	
4. Was the failed item buried or submerged?	
- If Yes:	
4a. Was failed item considered to be under cathodic protection at the time of the incident?	
- If Yes, Year protection started:	
4b. Was shielding, tenting, or disbonding of coating evident at the point of the incident?	
4c. Has one or more Cathodic Protection Survey been conducted at the point of the incident? (select all that apply)	
If "Yes, CP Annual Survey" – Most recent year conducted:	
If "Yes, Close Interval Survey" – Most recent year conducted:	
If "Yes, Other CP Survey" – Most recent year conducted:	
Describe Other CP Survey:	
- If No:	
4d. Was the failed item externally coated or painted?	
5. Was there observable damage to the coating or paint in the vicinity of the corrosion?	
6. Pipeline coating type, if steel pipe is involved:	
- If Other, Describe:	
6a. Field Applied?	
- If Internal Corrosion:	
7. Results of visual examination:	
- If Other, Describe:	

8. Cause of corrosion (select all that apply):	
- Corrosive Commodity	
- Water drop-out/Acid	
- Microbiological	
- Erosion	
- Other	
- If Other, Specify:	
9. The cause(s) of corrosion selected in Question 8 is based on the following: (select all that apply):	
- Field examination	
- Determined by metallurgical analysis	
- Other	
- If Other, Describe:	
10. Location of corrosion (select all that apply):	
- Low point in pipe	
- Elbow	
- Drop-out	
- Other	
- If Other, Describe:	
11. Was the gas/fluid treated with corrosion inhibitor or biocides?	
12. Were any liquids found in the distribution system where the Incident occurred?	
Complete the following if any Corrosion Failure sub-cause is selected AND the "Part of system involved in incident" (from PART C, Question 2) is Main, Service, or Service Riser.	
13. Date of the most recent Leak Survey conducted	
14. Has one or more pressure test been conducted since original construction at the point of the Incident?	
- If Yes:	
Most recent year tested:	
Test pressure:	
G2 – Natural Force Damage – only one sub-cause can be picked from shaded left-handed column	
Natural Force Damage – Sub-Cause:	
- If Earth Movement, NOT due to Heavy Rains/Floods:	
1. Specify:	
- If Other, Specify:	
- If Heavy Rains/Floods:	
2. Specify:	
- If Other, Specify:	
- If Lightning:	
3. Specify:	
- If Temperature:	
4. Specify:	
- If Other, Specify:	
- If Other Natural Force Damage:	
5. Describe:	
Complete the following if any Natural Force Damage sub-cause is selected.	
6. Were the natural forces causing the Incident generated in conjunction with an extreme weather event?	
6a. If Yes, specify (select all that apply):	
- Hurricane	
- Tropical Storm	
- Tornado	
- Other	
- If Other, Specify:	
G3 – Excavation Damage – only one sub-cause can be picked from shaded left-hand column	

Excavation Damage – Sub-Cause:	Excavation Damage by Operator's Contractor (Second Party)
- If Previous Damage due to Excavation Activity: Complete the following ONLY IF the "Part of system involved in Incident" (from Part C, Question 2) is Main, Service, or Service Riser.	
1. Date of the most recent Leak Survey conducted	
2. Has one or more pressure test been conducted since original construction at the point of the Incident?	
- If Yes:	
Most recent year tested:	
Test pressure:	
Complete the following if any Excavation Damage sub-cause is selected.	
3. Did the operator get prior notification of the excavation activity?	
3a. If Yes, Notification received from: <i>(select all that apply)</i> :	
- One-Call System	
- Excavator	
- Contractor	
- Landowner	
3b. Per the primary Incident Investigator report, did State law exempt the excavator from notifying the one-call center?	
If yes, answer 3c through 3e.	
3c. (select only one)	
- If Other, Specify:	
3d. Exempting Authority:	
3e. Exempting Criteria:	
4. Do you want PHMSA to upload the following information to CGA-DIRT (www.cga-dirt.com)?	No
5. Right-of-Way where event occurred <i>(select all that apply)</i> :	
- Public	
- If Public, Specify:	
- Private	Yes
- If Private, Specify:	Private Landowner
- Pipeline Property/Easement	
- Power/Transmission Line	
- Railroad	
- Dedicated Public Utility Easement	
- Federal Land	
- Unknown/Other	
6. Was the facility part of a Joint Trench:	
7. Did this event involve a Cross Bore:	
8. Measured Depth from Grade:	
Measured depth From Grade in inches	
9. Type of excavator:	Contractor
10. Type of excavation equipment:	Unknown/Other
11. Type of work performed:	Natural Gas
12. Was the One-Call Center notified?	Yes
If No, skip to question 13	
12a. If Yes, specify ticket number:	2023431452
12b. If this is a State where more than a single One-Call Center exists, list the name of the One-Call Center notified:	
12c. Was work area white lined:	
13. Type of Locator:	Contract Locator
14. Were facility locate marks visible in the area of excavation?	No
15. Did the damage cause an interruption in service?	Unknown/Other
15a. If Yes, specify duration of the interruption:	
16. Description of the CGA-DIRT Root Cause <i>(select the predominant CGA-DIRT Root Cause)</i> :	
- Root Cause Category:	Excavation Issue

- Root Cause Type:	Improper backfilling practices
(Comment required)	
G4 - Other Outside Force Damage - only one sub-cause can be selected from the shaded left-hand column	
Other Outside Force Damage – Sub-Cause:	
- If Damage by Car, Truck, or Other Motorized Vehicle/Equipment NOT Engaged in Excavation:	
1. Vehicle/Equipment operated by:	
If this sub-cause is picked, complete questions 7-13 below.	
- If Damage by Boats, Barges, Drilling Rigs, or Other Maritime Equipment or Vessels Set Adrift or Which Have Otherwise Lost Their Mooring:	
2. Select one or more of the following IF an extreme weather event was a factor:	
- Hurricane	
- Tropical Storm	
- Tornado	
- Heavy Rains/Flood	
- Other	
- If Other, Specify:	
- If Previous Mechanical Damage NOT Related to Excavation: Complete the following ONLY IF the "Part of system involved in Incident" (from Part C, Question 2) is Main, Service, or Service Riser.	
3. Date of the most recent Leak Survey conducted:	
4. Has one or more pressure test been conducted since original construction at the point of the Incident?	
- If Yes:	
Most recent year tested:	
Test pressure (psig):	
- If Intentional Damage:	
5. Specify:	
- If Other, Specify:	
- If Other Outside Force Damage:	
6. Describe:	
Complete the following if Damage by Car, Truck, or Other Motorized Vehicle/Equipment NOT Engaged in Excavation sub-cause is selected.	
7. Was the driver of the vehicle or equipment issued one or more citations related to the incident?	
If 7. is Yes, what was the nature of the citations (select all that apply)	
7a. Excessive Speed	
7b. Reckless Driving	
7c. Driving Under the Influence	
7d. Other:	
- If Other, Specify:	
8. Was the driver under control of the vehicle at the time of the collision?	
9. Estimated speed of the vehicle at the time of impact (miles per hour)?	0
Unknown	
10. Type of vehicle?	
11. Where did the vehicle travel from to hit the pipeline facility?	
12. Shortest distance from answer in 11. to the damaged pipeline facility (<i>in feet</i>):	
13. At the time of the incident, were protections installed to protect the damaged pipeline facility from vehicular damage?	
If 13. is Yes, specify type of protection (<i>select all that apply</i>):	
13a. Bollards/Guard Posts	
13b. Barricades, including "jersey" barriers and fences	
13c. Guard Rails	
13d. Meter Box	
13e. Ingress or Regress at a Residence	
13f. Other	
- If Other, Specify:	

G5 - Pipe, Weld, or Joint Failure - only one sub-cause can be selected from the shaded left-hand column	
Pipe, Weld or Joint Failure – Sub-Cause:	
- If Body of Pipe:	
1. Specify:	
- If Other, Describe:	
- If Butt Weld:	
2. Specify:	
- If Other, Describe:	
- If Fillet Weld:	
3. Specify:	
- If Other, Describe:	
- If Pipe Seam:	
4. Specify:	
- If Other, Describe:	
- If Mechanical Joint Failure	
5a. Specify the Mechanical Fitting Involved (<i>select only one</i>)	
Other Compression Type Fitting (specify):	
5b. Specify the Type of Mechanical Fitting (<i>select only one</i>)	
Other (specify):	
5c. Fitting Manufacturer:	
Unknown	
5d. Part or Model Number:	
Unknown	
5e. Fitting Material (select only one)	
Other (specify):	
5f. How did the joint failure occur? (select only one)	
Other (specify):	
- If Fusion Joint:	
6. Specify:	
- If Other, Specify:	
7. Year installed:	
8. Other attributes:	
9. Specify the two materials being joined:	
9a. First material being joined:	
- If Other, Specify:	
9b. Second material being joined:	
- If Other, Specify:	
- If Other Pipe, Weld, or Joint Failure:	
10. Describe:	
Complete the following if any Pipe, Weld, or Joint Failure sub-cause is selected.	
11. Additional Factors (<i>select all that apply</i>):	
- Dent	
- Gouge	
- Pipe Bend	
- Arc Burn	
- Crack	
- Lack of Fusion	
- Lamination	
- Buckle	
- Wrinkle	
- Misalignment	
- Burnt Steel	
- Other	

- If Other, Specify:	
12. Was the Incident a result of:	
- Construction defect	
Specify:	
- Material defect	
Specify:	
- If Other, Specify:	
- Design defect	
- Previous damage	
13. Has one or more pressure test been conducted since original construction at the point of the Incident?	
- If Yes:	
Most recent year tested:	
Test pressure:	
G6 - Equipment Failure - only one sub-cause can be selected from the shaded left-hand column	
Equipment Failure – Sub-Cause:	
- If Malfunction of Control/Relief Equipment:	
1. Specify:	
- Control Valve	
- Instrumentation	
- SCADA	
- Communications	
- Block Valve	
- Check Valve	
- Relief Valve	
- Power Failure	
- Stopple/Control Fitting	
- Pressure Regulator	
- Other	
- If Other, Specify:	
- If Threaded Connection Failure:	
2. Specify:	
- If Other, Specify:	
- If Non-threaded Connection Failure:	
3. Specify:	
- If Other, Specify:	
- If Valve:	
4. Specify:	
- If Other, Specify:	
4a. Valve type:	
4b. Manufactured by:	
4c. Year manufactured:	
4d. Valve Material:	
- If Other, Specify:	
- If Other Equipment Failure:	
5. Describe:	
G7 - Incorrect Operation - only one sub-cause can be selected from the shaded left-hand column	
Incorrect Operation Sub-Cause:	
- If Other Incorrect Operation:	
1. Describe:	
Complete the following if any Incorrect Operation sub-cause is selected.	
2. Was this Incident related to: <i>(select all that apply)</i>	
- Inadequate procedure	

- No procedure established	
- Failure to follow procedure	
- Other	
- If Other, Describe:	
3. What category type was the activity that caused the Incident:	
4. Was the task(s) that led to the Incident identified as a covered task in your Operator Qualification Program?	
4a. If Yes, were the individuals performing the task(s) qualified for the task(s)?	

G8 - Other Incident Cause - only one **sub-cause** can be selected from the shaded left-hand column

Other Incident Cause – Sub-Cause:	
- If Miscellaneous:	
1. Describe:	
- If Unknown:	
2. Specify:	
Mandatory comment field:	

PART J - CONTRIBUTING FACTORS

The Apparent Cause of the accident is contained in Part G. Do not report the Apparent Cause again in this Part J. If Contributing Factors were identified, select all that apply below and explain each in the Narrative:

External Corrosion	
External Corrosion, Galvanic	
External Corrosion, Atmospheric	
External Corrosion, Stray Current Induced	
External Corrosion, Microbiologically Induced	
External Corrosion, Selective Seam	
Internal Corrosion	
Internal Corrosion, Corrosive Commodity	
Internal Corrosion, Water drop-out/Acid	
Internal Corrosion, Microbiological	
Internal Corrosion, Erosion	
Natural Forces	
Earth Movement, NOT due to Heavy Rains/Floods	
Heavy Rains/Floods	
Lightning	
Temperature	
High Winds	
Snow/Ice	
Tree/Vegetation Root	
Excavation Damage	
Excavation Damage by Operator (First Party)	
Excavation Damage by Operator's Contractor (Second Party)	Yes
Excavation Damage by Third Party	
Previous Damage due to Excavation Activity	
Other Outside Force	
Nearby Industrial, Man-made, or Other Fire/Explosion	
Damage by Car, Truck, or Other Motorized Vehicle/Equipment NOT Engaged in Excavation	
Damage by Boats, Barges, Drilling Rigs, or Other Adrift Maritime Equipment	
Routine or Normal Fishing or Other Maritime Activity NOT Engaged in Excavation	
Electrical Arcing from Other Equipment or Facility	
Previous Mechanical Damage NOT Related to Excavation	
Intentional Damage	
Other underground facilities buried within 12 inches of the failure location	

Pipe/Weld Failure	
Design-related	
Construction-related	
Installation-related	
Fabrication-related	
Original Manufacturing-related	
Equipment Failure	
Malfunction of Control/Relief Equipment	
Threaded Connection/Coupling Failure	
Non-threaded Connection Failure	
Valve Failure	
Incorrect Operation	
Damage by Operator or Operator's Contractor NOT Excavation and NOT Vehicle/Equipment Damage	
Valve Left or Placed in Wrong Position, but NOT Resulting in Overpressure	
Pipeline or Equipment Overpressured	
Equipment Not Installed Properly	
Wrong Equipment Specified or Installed	
Inadequate Procedure	
No procedure established	
Failure to follow procedures	

PART H - NARRATIVE DESCRIPTION OF THE INCIDENT

During a planned service line replacement, a second party contractor struck a service line causing an ignition and house fire. The residents were not home at that time. A contractor employee sustained a minor injury. The service line was cut off at the main when the situation was deemed safe. The building was demolished the day of the incident.

G3.7: Mini excavator was being utilized.

G3.12: On November 4, the original marks in the public way showing the service line from the service tee to the property line at the left side of the property were visible and accurate. There were no visible markings or flags on the private property. Private property markings were either not applied or not maintained.

G3.14 The crew was mechanically excavating the trench for the new service on the private property when they struck the active [REDACTED] steel service.

PART I - PREPARER AND AUTHORIZED PERSON

Preparer's Name	Katherine Silver
Preparer's Title	Manager Compliance
Preparer's Telephone Number	[REDACTED]
Preparer's E-mail Address	[REDACTED]
Preparer's Facsimile Number	
Local Contact Name:	Katherine Silver
Local Contact Email:	[REDACTED]
Local Contact Phone:	[REDACTED]
Authorized Signer's Name	Katherine Silver
Authorized Signer's Title	Manager Compliance
Authorized Signer's Email Address	[REDACTED]

EXHIBIT 2

Eversource Incident Analysis Report

EXHIBIT 3

Eversource Dig Safe Violation Report, D.P.U. 23-DS-1260U



DIG SAFE VIOLATION / DAMAGE REPORT

One South Station, Boston, MA 02110

(617) 305-3570 Email: DPU.DamagePrevention@mass.gov

General Information

Docket Number: 23-DS-1260U

Submit Date: 12/01/2023

Reporting party: Operator/Utility

Contact person: Patrick O'Sullivan

Employer: NSTAR Gas

Mailing Address: 843 Hyde Park Ave Hyde Park MA 02136

Phone Number: [REDACTED]

Extension:

Email Address: [REDACTED]

Incident Information

Street Address: 126 Prince Street

City or Town: NEEDHAM

Date of Incident: 11/04/2023

Time of Incident: 07:48 AM

Does a Dig Safe Ticket Number Exist?:

Yes

Dig Safe Ticket Number: 20234311452

When was the incident reported to operator and by whom?:

Needham Fire Department reported to Eversource
Dispatch at 7:58AM

Describe how the damage occurred:

During a planned service line replacement, a second party contractor, Robert J Devereaux Corp., working for Eversource, hit a service line causing an ignition and house fire. Robert J Devereaux Corp was responsible for the mark-outs associated with this project. On November 4, the original marks in the public way showing the service line from the service tee to the property line at the left side of the property were visible and accurate. There were no visible markings or flags on the private property. The crew was mechanically excavating the trench for the new service on the private property when they struck the active [REDACTED] steel service.

Alleged Violation(s)

Underground facility not marked.

Yes

Failed to perform the excavation using non-mechanical means and/or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone

Yes

Marks lost or not maintained.

Yes

No Dig Safe ticket or invalid Dig Safe ticket. If invalid, explain why below.

No

Excavation area not pre-marked.

No

Other

No

Explanation for Invalid Dig Safe Ticket:

Description of Other Alleged
Violation:

Facility Information

Facility Type:	Gas	Other Facility Type:	
Facility Owner:	NSTAR Gas		
Facility damaged is :	Service	Other Damage Facility Type:	
Facility is on :	Private Way		
Facility Description :	psi steel		
Installation Year:	1963	Installation Depth:	
Facility Depth:		Excavation Depth:	19 inches

Excavator Information

Company Name:	R.J. Devereaux Corporation	Other Company Name:	
Phone Number:			
Company Address:	10 Emerson Place #2E		
State:	MASSACHUSETTS	City:	BOSTON
Zip:	02114		
Crew Supervisor:	Dan Drummey	Phone Number:	
Name of Person Who Caused Damage:			
Anthony Moran			
Hoisting License Number:		Title:	
		Foreman/Operator	
Excavator Phone Number:		Excavator Email Address:	

Please provide the names of all witnesses below. Include contact information and employer name:

Devereaux crew on site at time of damage:

Anthony Moran – Foreman/operator – [REDACTED]

David Lallier – Laborer – [REDACTED]

Michael Doherty – Crew member – [REDACTED]

Eversource responders:

Jenna DeFilippo – Damage Prevention Manager – [REDACTED]

Patrick O'Sullivan – Damage Prevention Supervisor – [REDACTED]

Bernard Krynski – Construction Manager – [REDACTED]

Jaime Costa – Construction Supervisor – [REDACTED]

If damage to a gas facility resulted in the release of gas, did the person who caused the damage call 911 first?

Yes

Was the site marked?

Yes

If a Dig Safe # was obtained, did the excavation occur within the area (scope) described in the ticket?

Yes

Did damage result in the release of gas?

Yes

Did incident cause any service interruption?

Yes

Was the underground facility active (live)?

Yes

Were photographs of damage taken at the time the incident occurred?

Yes

Were the marks within 18 inches of the facility?

No

Documentation And Evidence

Please check the item(s) that you are planning to submit along with this Dig Safe Violation Report:

Photos/videos of the incident/damage (with the date and time stamp if possible)

Yes

A copy of the Dig Safe ticket for this excavation

Yes

Repair Work order

Yes

Facility History Records/Service Cards (at time of markout and after repair has been made)

Excavator/Operator's internal damage report

No

Witness Statements

No

Any written correspondence (i.e., memos, letters, emails, texts) regarding the damage

No

Records demonstrating accurate markout, including markout completion details/ticket history

No

Records of any conversation/agreement between operator and excavator

No

Notes/Additional Observations

No

Notes

EXHIBIT 4

R.J. Devereaux Dig Safe Violation Report, D.P.U. 23-DS-1260E

DIG SAFE VIOLATION / DAMAGE REPORT

One South Station, Boston, MA 02110

(617) 305-3570 Email: DPU.DamagePrevention@mass.gov

General Information

Docket Number: 23-DS-1260E

Submit Date: 01/18/2024

Reporting party: Excavator

Contact person: Timothy Johnson

Employer: Robert J. Devereaux Corporation

Mailing Address: 17 Pleasant Street, Malden MA 02148

Phone Number: [REDACTED]

Extension:

Email Address: [REDACTED]

Incident Information

Street Address: 17 Prince Street

City or Town: NEEDHAM

Date of Incident: 11/04/2023

Time of Incident: 07:50 AM

Does a Dig Safe Ticket Number Exist?:

Yes Dig Safe Ticket Number: 20234311452

When was the incident reported to operator and by whom?:

The incident was reported immediately from our operator to all appropriate personnel and agencies (DPU was on-site)

Describe how the damage occurred:

A Robert J. Devereaux Corp gas crew was conducting a service relay to 17 Prince Street, Needham MA on 11/4/23. After exposing the existing main and completing the trench excavation in the street, the foreman operator and laborer moved to the side of the property. The laborer hand excavated next to the foundation and the foreman / operator stated excavating by mechanical means. The existing service line was not properly located before using mechanical means and the line was damaged by the excavator. There was an uncontrolled release of gas inside the basement, which lead to a subsequent ignition and house fire. Please see the attached Incident Analysis for all information regarding this incident.

Alleged Violation(s)

Failed to perform the excavation using non-mechanical means and/or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone

Yes

No Dig Safe ticket or invalid Dig Safe ticket. If invalid, explain why below.

No

Underground facility not marked.

No

Underground facility inadequately or incorrectly marked.

Excavation area not pre-marked.

No

Other

No

Explanation for Invalid Dig Safe Ticket:

Description of Other Alleged
Violation:

Facility Information

Facility Type:	Gas	Other Facility Type:	
Facility Owner:	Eversource Gas		
Facility damaged is :	Service	Other Damage Facility Type:	
Facility is on :	Private Way		
Facility Description :	■ Coated Steel Gas Service		
Installation Year:	1963	Installation Depth:	■
Facility Depth:	■	Excavation Depth:	18"

Excavator Information

Company Name:	R.J. Devereaux Corporation	Other Company Name:	
Phone Number:	■		
Company Address:	17 Pleasant Street		
State:	MASSACHUSETTS	City:	MALDEN
Zip:	02148		
Crew Supervisor:	Daniel Drummey	Phone Number:	■
Name of Person Who Caused Damage:			
Anthony Moran			
Hoisting License Number:		Title:	
■		Forman / Operator	
Excavator Phone Number:		Excavator Email Address:	
■		■	

new plastic service

Please provide the names of all witnesses below. Include contact information and employer name:

All statements can be found in the Robert J. Devereaux Corp Incident Analysis. If needed the crew members on site (which were already interviewed by the DPU and other agencies) were:

Anthony Moran - [REDACTED] - (A subcontractor for Robert J. Devereaux Corp)

David Lallier - [REDACTED] - (An employee of Robert J. Devereaux Corp)

Michael Doherty - [REDACTED] - (An employee of Robert J. Devereaux Corp)

Were photographs of damage taken at the time the incident occurred?

Yes

Was the underground facility active (live)?

Yes

Did incident cause any service interruption?

Yes

If a Dig Safe # was obtained, did the excavation occur within the area (scope) described in the ticket?

Yes

Was the site marked?

Yes

Were the marks within 18 inches of the facility?

Unknown

Did damage result in the release of gas?

Yes

If damage to a gas facility resulted in the release of gas, did the person who caused the damage call 911 first?

Yes

Documentation And Evidence

Please check the item(s) that you are planning to submit along with this Dig Safe Violation Report:

Notes/Additional Observations

Yes

Pre-excavation photos/videos of dig safe markings

Yes

Diagram/sketch of the facility

Yes

Excavator/Operator's internal damage report

Yes

Witness Statements

Yes

Map Record (Original and Updated)

Yes

Photos/videos of the incident/damage (with the date and time stamp if possible)

Yes

A copy of the Dig Safe ticket for this excavation

No

Repair Work order

No

Records of any conversation/agreement between operator and excavator

No

Notes

Please see the attached Robert J. Devereaux Corp Incident Analysis with all information and follow up actions regarding this incident.

EXHIBIT 5

R.J. Devereaux Incident Analysis Report

EXHIBIT 6

Pipeline Safety Division Dig Safe Violation Report, D.P.U. 23-DS-1260I

DIG SAFE VIOLATION / DAMAGE REPORT

One South Station, Boston, MA 02110

(617) 305-3570 Email: DPU.DamagePrevention@mass.gov

General Information

Docket Number: 23-DS-1260I

Submit Date: 02/14/2024

Reporting party: Inspector

Contact person: Matthew MacInnis

Employer: DPU

Mailing Address: 1 South Station

Phone Number:

Extension:

Email Address:

Incident Information

Street Address: 126 Prince St

City or Town: NEEDHAM

Date of Incident: 11/04/2023

Time of Incident: 07:50 AM

Does a Dig Safe Ticket Number Exist?:

Yes Dig Safe Ticket Number: 20234311452

When was the incident reported to operator and by whom?:

Reported by RJ Devereaux to 911 at 0752

Describe how the damage occurred:

RJ Devereaux crew excavating on Dig Safe ticket 20234311452 to install new service to 126 Prince St Needham. Crew struck active service with machinery while excavating the trench for the new service to be installed. Service pulled from the inside meter set with a release of gas, causing ignition. RJ Devereaux crews had access to Eversource service cards and mapping of mains and services for this project. RJ Devereaux performed the mark out of facilities in the area previous to excavation. The physical service location where the incident occurred was not properly identified before excavation with mechanical means

Alleged Violation(s)

Underground facility inadequately or incorrectly marked.

Yes

Marks lost or not maintained.

Yes

Failed to perform the excavation using non-mechanical means and/or failed to employ reasonable precautions to avoid damage when excavating in close proximity to the underground facilities within the located safety zone

Yes

No Dig Safe ticket or invalid Dig Safe ticket. If invalid, explain why below.

No

Underground facility not marked.

Excavation area not pre-marked.

No

Other

No

Explanation for Invalid Dig Safe Ticket:

Description of Other Alleged
Violation:

Facility Information

Facility Type:	Gas	Other Facility Type:	
Facility Owner:	Eversource Gas		
Facility damaged is :	Service	Other Damage Facility Type:	
Facility is on :	Private Way		
Facility Description :	████████ ST		
Installation Year:	1963	Installation Depth:	████
Facility Depth:	████	Excavation Depth:	19"

Excavator Information

Company Name:	R.J. Devereaux Corporation	Other Company Name:	
Phone Number:	██████████		
Company Address:	17 Pleasant Street		
State:	MASSACHUSETTS	City:	MALDEN
Zip:	02148		
Crew Supervisor:	Daniel Drummey	Phone Number:	██████████
Name of Person Who Caused Damage:			
Anthony Moran			
Hoisting License Number:		Title:	
██████████		DVX Crew Leader / Operator	
Excavator Phone Number:		Excavator Email Address:	
██████████		██████████	

Please provide the names of all witnesses below. Include contact information and employer name:

Darren Wertz - Eversource - Director, Pipeline Safety Management & QA - [REDACTED] - [REDACTED]
Dylan Murphy - OSHA - [REDACTED] - [REDACTED]

RJ Devereaux Crew:

Anthony Moran - [REDACTED] - Crew Leader / Machinery Operator
David Lallier - [REDACTED] - Laborer
Michael Doherty - [REDACTED] - Laborer

Dan Drummey - RJ Devereaux - Supervisor - [REDACTED] - [REDACTED]

Did damage result in the release of gas?

Yes

If damage to a gas facility resulted in the release of gas, did the person who caused the damage call 911 first?

Yes

Were photographs of damage taken at the time the incident occurred?

Yes

Were the marks within 18 inches of the facility?

No

Was the site marked?

No

If a Dig Safe # was obtained, did the excavation occur within the area (scope) described in the ticket?

Yes

Did incident cause any service interruption?

Yes

Was the underground facility active (live)?

Yes

Documentation And Evidence

Please check the item(s) that you are planning to submit along with this Dig Safe Violation Report:

Any written correspondence (i.e., memos, letters, emails, texts) regarding the damage

Yes

Witness Statements

Yes

Excavator/Operator's internal damage report

Yes

Photos/videos of the incident/damage (with the date and time stamp if possible)

Yes

Repair Work order

No

Records demonstrating accurate markout, including markout completion details/ticket history

No

Facility History Records/Service Cards (at time of markout and after repair has been made)

No

Map Record (Original and Updated)

No

Records of any conversation/agreement between operator and excavator

No

Notes/Additional Observations

No

Notes

RJ Devereaux (DVX) crew excavating to install new services and mains along Prince St Needham. While excavating trench to install new service to 126 Prince St Needham, DVX crew struck the live service causing it to pull from the inside meter set with a release of gas resulting in an ignition. DVX had access to all Eversource mapping and records and were in charge of marking out the facilities for this project. On the day of the incident, DVX did not physically locate the active service and began excavation in the area where the facility was buried. DVX machinery directly struck the gas service. Crew called 911, evacuated the house, shut of the gas at the curb, and cleared the incident area. Eversource, Fire Marshal, DPU, OSHA, among the parties on site. DPU reported on site the day of the incident 11.04.23 and returned for the investigation on 11.07.23. The day of the investigation Eversource performed markouts per the service card, followed by direct connect and then excavated to reveal the actual location of the service to compare the accuracy of the markouts. Evidence of service piece collected held onto by Eversource personnel

Additional ongoing information in DPU Pipeline Database Inspection 6336

EXHIBIT 7

D.P.U. 23-PL-64, NSTAR Gas Company d/b/a Eversource Energy Notice of Probable Violation



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

REBECCA L. TEPPER
SECRETARY OF ENERGY
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

JAMES VAN NOSTRAND
CHAIR

CECILE M. FRASER
COMMISSIONER

STACI RUBIN
COMMISSIONER

NOTICE OF PROBABLE VIOLATION
ELECTRONIC MAIL – RETURN RECEIPT REQUESTED

July 11, 2024

D.P.U. 23-PL-64

VIA EMAIL ONLY

William J. Akley
President of Gas Operations
Eversource Energy
157 Cordaville Road
Southborough, MA 01772

Re: D.P.U. 23-PL-64, 126 Prince Street, Needham (November 4, 2023)

Dear Mr. Akley:

The Pipeline Safety Division (“Division”) of the Department of Public Utilities (“Department”) issues this Notice of Probable Violation (“NOPV”) to NSTAR Gas Company d/b/a Eversource Energy (“Eversource” or “Respondent”) pursuant to 220 CMR 69.03 and Delegation Order, D.P.U. 18-44-B (2020).

On November 4, 2023, the Division responded to a report of a gas-related reportable incident (“Incident”), as defined in 49 C.F.R. § 191.3, at the Eversource facilities at 126 Prince Street, Needham. R.J. Devereaux Corporation (“Devereaux”), a contractor for Eversource,

struck a gas service with machinery resulting in a house fire. The Division began an investigation pursuant to G.L. c.164, §§ 76 and 105A, and 220 CMR 69.02 on the day of the Incident that included incident response and a review of applicable Eversource and Devereaux records.

On December 8, 2023, the Division issued an initial set of information requests to Eversource related to the Division's investigation of the Incident. Eversource responded to the information requests on January 19, 2023 and February 1, 2024. As part of its response to these information requests, Eversource provided an incident analysis report related to its investigation of the Incident and recommendations ("Eversource Incident Analysis Report"). On December 1, 2023, Eversource submitted a Dig Safe Violation Report, ("DSVR") 23-DS-1260U, to the Division with accompanying documents. On January 18, 2024, Devereaux submitted a DSVR, 23-DS-1260E, to the Division with its own incident analysis report ("Devereaux Incident Analysis Report"). Additionally, the Division submitted a DSVR, 23-DS-1260I, on February 14, 2024 with accompanying documents. As discussed in detail below, the Division conducted further investigation into the matter and has reason to believe that Respondent may have violated 49 C.F.R. Part 192 ("Part 192"), 49 C.F.R. Part 199 ("Part 199"), Massachusetts General Laws G.L. c. 82 § 40B, and Massachusetts regulations 220 CMR 99.00.

I. OVERVIEW OF PROJECT, INCIDENT, AND INVESTIGATION

On Saturday November 4, 2023, at approximately 9:00 a.m., the Division received a Telephonic Incident Notification that an excavator struck a gas service resulting in an ignition inside a building at 126 Prince Street, Needham. The Division responded to the location of the Incident and discovered that Devereaux was working as a contractor for Eversource to install a

new gas service at the residence. While excavating along the side of 126 Prince Street at approximately 7:45 a.m., a Devereaux crew member struck the active steel service with an excavator. At the time of the Incident, the service fed an inside meter set. The hit service line resulted in a release of gas and ignition within the residence. One Devereaux crew member sustained injuries requiring treatment at a nearby hospital, and the house was demolished on the day of the Incident.

Eversource hired Devereaux as a contractor for a project to relay mains and services at and around Prince Street, Needham. Devereaux was contractually responsible for locating facilities within the proposed work area. On September 7, 2023, a Dig Safe Ticket was called in for work to be performed along Prince Street and the scope of work included the area from the street to the houses. On September 5, 2023, a locator employed by Devereaux performed a markout at 126 Prince Street. Devereaux had access to Eversource's maps and records for the project. The Eversource Incident Analysis Report provides that the "locator stated he performed a conductive markout by connecting the locating equipment to the regulator vent line and marked out the residence with marker flags and paint." According to the Devereaux Incident Analysis Report, in an interview after the Incident, the locator reported that he did not go into the basement, but he direct connected his markout equipment to the vent coming out of the basement and the equipment produced a "strong signal." When the locator went to verify his marks with the service card for 126 Prince Street, it did not match. This discrepancy was noted on the

multiple markout form dated September 5, 2023 (“Multi-Markout Form”).¹ The locator then left 126 Prince Street and went to 140 Prince Street. When the locator started working on 140 Prince Street, he identified the differences in the service cards and property locations in reference to Kerrydale Road. The Devereaux Incident Analysis Report provides that the locator then “went back to 126 Prince Street with one of the service cards from 140 Prince Street and some of the measurements near the street seemed to match.” The locator noted on the Multi-Markout Form that a test hole was necessary for both 126 Prince Street and 140 Prince Street.

On September 8, 2023, three days after the locator completed the markout, pre-excavation photographs were taken by Devereaux. These pre-excavation photographs show that while the main on Prince Street and service at the front of the yard of 126 Prince Street was marked with flags and paint, there were no flags or markings on the side yard of 126 Prince Street where the service was struck and damaged on the day of the Incident. On October 2, 2023 Dig Safe Ticket 2023361025 was renewed for the Prince Street project and assigned Dig Safe Ticket No. 20234001382.

On October 4, 2023, the locator, a Devereaux foreman, and an Eversource inspector reviewed the Multi-Markout Form. The locator explained the discrepancy between the marks on the ground and the service card at 126 Prince Street. The Eversource Incident Analysis Report provides: “The service card indicated the service was at a 45-degree angle to the front of the house and followed by another 45-degree angle running parallel to the side of the house, with a

¹ Notably, the Multi-Markout Form reflected that the meter was outside, even though the meter was inside the basement. The Multi-Markout Form also reflected that the locator gained access to the meter.

final 90-degree angle leading into the house. The marks on the driveway showed a 90-degree angle running parallel to the front of the house, followed by a 90-degree angle parallel to the side of the house.” On October 4, 2023, the foreman completed a test hole where the trench for the new main would cross the existing service and its location was verified in the street at the existing main. Following the Incident, the foreman claimed that he direct connected to the tee in the street to identify the service. Neither the Eversource inspector nor the Devereaux foreman walked around 126 Prince Street to confirm the presence of flags on the side of the house on October 4, 2023. On October 26, 2023, the Dig Safe ticket was renewed again and assigned Ticket No. 20234311452.

On November 4, 2023, the Division conducted a series of individual interviews with the three members of the Devereaux crew who were on scene at the time of the Incident. From approximately 6:45 a.m. to 7:15 a.m., the Devereaux crew arrived at 126 Prince Street, went over the job brief for the day, walked the job site, and prepared their work for the day. At approximately 7:25 a.m., the foreman began to excavate a trench within the street where the new service would be installed. The foreman was acting as the machine operator on the day of the Incident. Simultaneously, a laborer began to hand excavate alongside the side of the house and foundation where the new service was to be installed. The laborer did not expose the existing active steel gas service or confirm its location at this time. When the street excavation was completed, the foreman continued machine excavation along the side of the house where the laborer was hand digging. The Devereaux crew reported that by looking at the service card, no machine excavation was expected to cross over the active service. The Eversource Incident

Analysis Report provides: “The foreman and laborer stated there was a yellow markout flag behind the condenser pad. Based on the location of the flag, the foreman believed they were outside of the tolerance zone and the crew proceeded to mechanically excavate the trench.”

At approximately 7:45 a.m., the Devereaux crew struck the active gas service with the excavator causing gas to release. The Eversource Incident Analysis Report reads: “The foreman felt a tug as the machine was being operated to excavate. The laborer then started to hand-dig to locate the impacted object. The laborer told the foreman that he could hear blowing gas.” At that time, it was believed that the gas leak was outside of the residence where the machinery struck the service. The Devereaux crew attempted to shut off the gas at the curb valve but was unable to because they did not have the proper valve key.

While the laborer was still attempting to locate the service, the house ignited at approximately 7:51 a.m. The laborer was injured at this time and treated at the hospital before returning to the site. Immediately after the ignition, the Devereaux crew sought to evacuate any residents from the home. Police were notified and fire trucks arrived on scene at approximately 7:58 a.m. First responders and the Devereaux crew learned that there were no residents or animals inside the home. The Devereaux crew underwent Drug and Alcohol testing at AFC Urgent Care located at 370 Providence Highway, Dedham, between 3:55 p.m. and 4:20 p.m. on the day of the Incident.

On November 7, 2023, the Division returned to 126 Prince Street, Needham, along with Eversource, Devereaux, the Massachusetts State Police, and other parties. At this time, the home had been demolished with the service line still in place. During this inspection, the utility line

was marked out true to the service card. Further, the service was marked out via indirect locating, direct locating, as well as physically revealed through vacuum excavation. Locating the facility confirmed that the service line's actual location differed from what the service card indicated. Eversource's service card for 126 Prince Street Needham was inaccurate and was not updated after October 4, 2023.

II. FINDINGS

Damage Prevention:

Eversource's Operations & Maintenance Plan OM-150 entitled "Damage Prevention and Markout of Gas Facilities" ("OM-150") lays out procedures to be followed in preparation for excavation to avoid damage to gas facilities. OM-150 Section IV. A. entitled "Requests on Behalf of Eversource Gas (Massachusetts)" requires Eversource to "[e]nsure that the proposed area of excavation is premarked according to means deemed acceptable under state regulations." Eversource pre-excavation photos and on-site investigation do not yield any evidence that the proposed work area was premarked in accordance with 220 CMR 99.03).

The Dig Safe tickets for this project identify that Eversource and Devereaux will be relaying mains and services in the street to the houses along Prince Street. OM-150 also states: "For excavations by, or on behalf, of Eversource Gas, all gas facilities within the scope of the DS ticket shall be located, marked out and actions taken and recorded in accordance with this procedure." The Multi-Markout Form authored by Devereaux personnel dated September 5, 2023, states that the excavation area was marked with both paint and flags. Pre-excavation photographs dated September 8, 2023 provided in response to information requests show that there were no service markings or flags on the side of 126 Prince Street where the Incident took

place. In addition, the Multi-Markout Form indicates that 126 Prince Street Needham had an outside meter set, when it was in fact an inside meter set. Further, the Multi-Markout Form suggests that the locator gained inside access to the meter within the house, while it was later revealed that all markouts were performed from outside the residence.

OM-150 Section F states: “Additional markings are required where there are changes of direction and terminus points of the facility.” The Eversource Incident Analysis Report provides, however, that “[a]dditional markings indicating the change of direction were not observed on the lawn that paralleled the side of the house.”

OM-150 also states as follows: “When, as a result of a locate request, a Company designee becomes aware of gas facilities which are missing or not properly depicted in GIS or other records, a sketch or description of the change to the facility, with accurate measurements, shall be sent to Mapping, by the Locator or Supervisor and will provide in accordance with company procedures Emergency tickets OM-050, Mapping and ADM.” The Eversource Incident Analysis Report states that Eversource was made aware of the discrepancies between the service card and the markings by Devereaux personnel on October 4, 2023. Nevertheless, there was no change to the service card as of the day of the Incident on November 4, 2023. Further, the Devereaux foreman neither recognized nor responded to the inaccurate Multi-Markout Form in accordance with WP-OP-108.

OM-150 also requires that “[r]enewal requests [for Dig Safe tickets] should be handled in a manner similar to a first-time notification. Any discussions with the Excavator will be documented in the database...” The first time a Dig Safe ticket was called in was on September

7, 2023. Renewal requests for Dig Safe tickets were made on October 2, 2023 and October 26, 2023. Nevertheless, no additional markouts were conducted at 126 Prince Street after September 5, 2023, according to the Multi-Markout Form. In response to an information request, Eversource stated: “Eversource did not find confirmation of any additional mark outs occurring between the initial mark out and the day of the incident.”

Devereaux, acting on behalf of Eversource, failed to accurately mark out the service line prior to the Incident. Eversource, when notified that the service card was inaccurate, failed to correct the maps and records of the service. As the Eversource Incident Analysis Report provides, “[r]emarking of the excavation was not requested by the foreman as required per WP-108.” Devereaux used mechanical means to excavate without visual confirmation of the service and tolerance zone. The combination of incomplete markouts, inaccurate records, and a failure to comply with procedures contributed to the Devereaux crew striking the active service and the resulting home explosion.

Equipment Calibration:

Throughout this project, Devereaux used a Vivax Metrotech 810 Utility Locator to locate the facilities within the neighborhood. Eversource provided the Division its equipment log calibration sheets from Devereaux in response to information requests, identifying that the Vivax Metrotech 810 with serial number 21302151499 was the tool used. This equipment calibration log shows a record of the equipment being calibrated every Tuesday from August 22, 2023, through October 24, 2023. Eversource’s procedure OM-440-ADM states that calibrations shall be based on the manufacturer’s recommendation. VM-810/850 Pipe and Cable Locator User

Handbook states: “The centerline, signal strength, and depth of your VM-810/VM-850 receiver have been calibrated to factory specified tolerances. It is to your advantage to monitor the performance of your VM-810/VM-850 receiver on a weekly basis.” There are no calibration records between Tuesday October 24, 2023, and the day of the Incident, Saturday November 4, 2023. It is a concern that excavator submitted a history of equipment calibration for every Tuesday of every week up until the week of the Incident. The week of the incident there are no records.

Drug and Alcohol Testing:

Eversource’s procedure for drug and alcohol testing post-accident is set forth in PS-199 Gas Pipeline Safety Drug and Alcohol Testing Plan (“PS-199”).² Section “XV. Alcohol Tests” of PS-199 states that alcohol testing shall be conducted after any accident where a contractor’s performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. PS-199 states that the “testing should be conducted as soon as practicable following the accident, but an injury should be treated first.” PS-199 also provides that if an alcohol test cannot be conducted within two hours following the

² Accident is defined under PS-199 as: (1) An event that involves a release of gas from a pipeline, or of liquefied natural gas, or gas from an LNG facility, and that results in one or more of the following consequences: (i) A death, or personal injury necessitating in-patient hospitalization; (ii) Estimated property damage of \$129,300 or more, including loss to the operator and others, or both, but excluding cost of gas lost; (iii) Unintentional estimated gas loss of three million cubic feet or more; (2) An event that results in an emergency shutdown of an LNG facility. Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident. (3) An event that is significant in the judgment of the operator, even though it did not meet the criteria of paragraphs (1) or (2) of this definition.

accident, then the reasons for the delay must be documented and maintained on file. PS-199 further provides that if an alcohol test cannot be conducted within eight hours following the accident, then attempts to administer the test shall cease to be conducted and reasons for the failure to test shall be documented and maintained on file. Eversource did not conduct alcohol testing for any of the Devereaux crew within either the requisite two-hour timeframe or the eight-hour time frame. Records received from Eversource in response to information requests show that the Devereaux crew who were involved in the Incident were tested for alcohol at AFC Urgent Care between 3:55 p.m. and 4:20 p.m. on November 4, 2023, the day of the incident. Therefore, alcohol testing was conducted more than eight hours after the accident, in conflict with PS-199, which requires that attempts to administer the test cease and the reasons for the failure to test be documented. In addition, the Division received no documentation from Eversource showing the reasons for the failure to test within two hours, as required by PS-199, in response to information requests.

III. ALLEGATIONS

The following allegations highlight the findings identified within the investigation. Based on the investigation, the Division has reason to believe that Respondent's failure to (1) properly identify the location of the gas service, (2) properly calibrate the electronic markout equipment after October 24, 2023, and (3) execute alcohol testing per accident investigation standards, may be in violation of certain sections of its procedures, federal pipeline safety regulations, Part 192, Part 199, Massachusetts General Laws, c. 82, and Massachusetts Regulations, 220 CMR 99.00. The alleged violations are as follows:

1. 49 C.F.R § 192.13(c) - What general requirements apply to pipelines regulated under this part?

Each operator shall maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under this part.

2. 49 C.F.R. § 192.605(a) - Procedural manual for operations, maintenance, and emergencies.

General. Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

3. 49 C.F.R. § 192.614(a) - Damage prevention program.

Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purposes of this section, the term “excavation activities” includes excavation, blasting, boring, tunneling, backfilling, the removal of aboveground structures by either explosive or mechanical means, and other earthmoving operations.

4. G.L. c. 82 § 40B: Designation of location of underground facilities

Within 72 hours, exclusive of Saturdays, Sundays and legal holidays, from the time the initial notice is received by the system or at such time as the company and the excavator or professional land surveyor agree, such company shall respond to the initial notice or subsequent notice by designating the location of the underground facilities within 15 feet in any direction of the premarking so that the existing facilities are to be found within a safety zone. Such safety zone shall be so designated by the use of standard color-coded markings. The providing of such designation by the company shall constitute prima facie evidence of an exercise of reasonable precaution by the company as required by this section; provided, however, that in the event that the excavator or professional land surveyor has given notice as aforesaid at a location at which because of the length of excavation the company cannot reasonably designate the entire location of its facilities within such 72 hour period, then such excavator or professional land surveyor shall identify for the company that portion of the excavation which is to

be first made and the company shall designate the location of its facilities in such portion within 72 hours and shall designate the location of its facilities in the remaining portion of the location within a reasonable time thereafter. When an emergency notification has been given to the system, the company shall make every attempt to designate its facilities as promptly as possible. A company shall conduct periodic audits to ensure: (i) the accuracy of the designated location and marking of its facilities; and (ii) its adherence to marking standards.

5. 220 CMR 99.06(1): Marking Procedures

Within 72 hours, exclusive of Saturdays, Sundays and legal holidays, from the time initial notice is received by the Dig Safe Center, every company shall mark the location of an underground facility by applying a visible marking material, such as paint, on the ground above the facility. The company may use an alternative marking method of color-coded stakes, color-coded flags or color-coded brush-type markers.

6. 220 CMR 99.03(1): Premarking

An excavator shall premark an excavation site before giving notice of the excavation to the Dig Safe Center.

7. 49 C.F.R § 199.225(a) - Alcohol tests required.

Each operator must conduct the following types of alcohol tests for the presence of alcohol:

(a) Post-accident.

(1) As soon as practicable following an accident, each operator must test each surviving covered employee for alcohol if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test under this section must be based on specific information that the covered employee's performance had no role in the cause(s) or severity of the accident.

(2) (i) If a test required by this section is not administered within 2 hours following the accident, the operator shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by paragraph (a) is not administered within 8 hours following the accident, the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

IV. PRIOR CONSENT ORDER VIOLATIONS

Eversource has signed the following Consent Orders that pertain to similar violations of Part 192, § 192.614 and/or G.L. c. 82 § 40B: D.P.U. 22-PL-68; 21-DS-536U; 21-DS-887U; 22-DS-0938; and 23-DS-0151U.

V. PROPOSED CIVIL PENALTY

Under G.L. c. 164, § 105A, Eversource is subject to a civil penalty not to exceed \$500,000 for each violation for each day that the violation exists, up to a maximum of \$10,000,000 for any related series of violations. These dollar amounts shall be doubled if the department determines that the violator has engaged in one or more similar violations in the three years preceding the violation.

In determining the amount of the civil penalty, the Division shall consider the following, pursuant to G.L. c. 164, § 105A: the appropriateness of the penalty to the size of the business of the person, firm, or corporation charged; the gravity of the violation; and the good faith of the person, firm, or corporation charged in attempting to achieve compliance, after notification of a violation.

In the present matter, the Division has reviewed the circumstances of the allegations and is prepared to resolve this matter upon Eversource's agreement to the terms in the attached Consent Order and payment of a civil penalty in the amount of **\$150,000**.

VI. RESPONSE TO THIS NOPV

Within 30 days of receipt of this NOPV, Eversource shall respond to the Division in one of the following ways, pursuant to 220 CMR 69.04:

1. Sign and return the attached Consent Order, thus agreeing to remit payment of the civil penalty by check or money order made payable to the Commonwealth of Massachusetts;
2. Submit an offer in compromise of the proposed civil penalty under 220 CMR 69.04(2);
3. Request an informal conference under 220 CMR 69.05; or
4. Submit a written reply to the Division disputing the allegation(s) contained in the NOPV. The reply must include a complete statement of all relevant facts and authority and full description of the reasons why the Respondent disputes the allegation(s) contained in the NOPV.

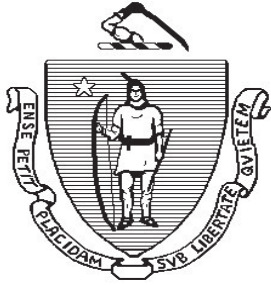
Failure to respond within 30 days of receipt of this NOPV will be deemed an admission to the allegations contained herein and a waiver of Eversource's right to contest the allegations. If Eversource fails to respond within 30 days, the Department may, without further notice, find the facts to be as alleged herein and issue a final Order, pursuant to 220 CMR 69.04(3).

Very truly yours,


Richard Enright, Director
Pipeline Safety Division

Enclosures: Consent Order
Compliance Agreement

Cc: Erin Engstrom, Director of Regulatory Affairs, Eversource
Laurie Pereria, Regulatory Gas Manager, Eversource
Kristen Gasparonis, Eversource
Karen Lane-Newell, Eversource
Rosmarvy Pena, Eversource
Katherine Silver, Eversource
Lori Page, Eversource
Brendan Vaughan, Esq. Keegan Werlin
Danielle Winter, Esq. Keegan Werlin
Phillip Denton, Assistant Director, Pipeline Safety Division
Justin Evans, Assistant Director, Pipeline Safety Division
Patrick Leeman, Division Counsel, Pipeline Safety Division
Emily Hamrock, Division Counsel, Pipeline Safety Division
Matthew MacInnis, Public Utilities Engineer, Public Safety Division



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

CONSENT ORDER

July 11, 2024

D.P.U. 23-PL-64

In the matter of NSTAR Gas Company d/b/a Eversource Energy

I. JURISDICTION

1. This document, with the attached Compliance Agreement, is a Consent Order entered into between the Pipeline Safety Division ("Division") of the Department of Public Utilities ("Department") and NSTAR Gas Company d/b/a Eversource Energy ("Respondent"), and is executed in accordance with 220 CMR 69.08.
2. The Division has authority to enter into this Consent Order on behalf of the Department pursuant to Delegation Order, D.P.U. 18-44-B (2020).
3. Failure to comply with the terms of this Order may result in the assessment of civil penalties and referral of this matter to the Attorney General for appropriate action.
4. The terms and conditions of this Order become effective upon signing by the authorized representatives of the Respondent and the Department.
5. Respondent has stipulated and consented to the issuance of this Consent Order.

II. VIOLATIONS AND CIVIL PENALTY

1. Pursuant to G.L. c. 164, §§ 76 and 105A, and 220 CMR 69.02, the Division conducted a pipeline safety inspection of the Respondent's facilities and records. As a result of the inspection, the Director of the Division issued to the Respondent a Notice of Probable Violation ("NOPV"), D.P.U. 23-PL-64, dated July 11, 2024, in accordance with 220 CMR 69.03. The NOPV is attached hereto and made a part hereof.
2. Based on information contained in the NOPV, the Division finds that the Respondent violated pipeline safety regulations contained in 49 C.F.R. Parts 192 and 199, Massachusetts regulations and Massachusetts General Laws, specifically:

49 C.F.R § 192.13(c) - What general requirements apply to pipelines regulated under this part?

49 C.F.R. § 192.605(a) - Procedural manual for operations, maintenance, and emergencies.

49 C.F.R. § 192.614(a) - Damage prevention program.

G.L. c. 82 § 40B: Designation of Location of Underground Facilities

220 CMR 99.06(1): Marking Procedures
220 CMR 99.03(1): Premarking
49 C.F.R § 199.225(a) - Alcohol tests required.

3. Pursuant to G.L. c. 164, § 105A, the Division hereby imposes upon the Respondent a civil penalty in the amount of \$150,000 for the above-noted violations.
4. The Respondent hereby agrees, upon signing and returning this Consent Order to the Division, to remit payment of the civil penalty by check or money order in the amount of \$150,000 made payable to the Commonwealth of Massachusetts, One South Station, Boston, MA 02110.

III. RESPONDENT REQUIREMENTS

1. **Respondent shall sign the Stipulation below and return this complete document to the Division.**
2. All submissions by Respondent in accordance with this Consent Order shall be addressed to:

Director Richard Enright
Pipeline Safety Division
Department of Public Utilities
One South Station
Boston, MA 02110

IV. STIPULATED TERMS

Pursuant to 220 CMR 69.08(1), the Respondent through the signature below, by the person to whom this Consent Order is issued or a duly authorized representative, acknowledges agreement to the terms contained herein without admitting or denying that a violation of any Department or federal pipeline safety law or regulation occurred in relation to the above-noted matters. Further, Respondent agrees to issuance of this Consent Order and stipulates to the following:

1. Respondent, by signing the Stipulation, hereby waives:
 - (a) All rights to informal review pursuant to 220 CMR 69.05;
 - (b) All rights to a hearing pursuant to 220 CMR 69.06;
 - (c) Any and all procedural rights available in connection with the issuance of the Consent Order;
 - (d) All rights to seek any type of administrative or judicial review of the Consent Order;
and
 - (e) Any and all rights to challenge or contest the validity of the Consent Order.
2. Respondent expressly acknowledges that neither Respondent nor the Division has any intention to enter into a contract.

3. The terms and provisions of this Consent Order and Stipulation shall be binding upon, and inure to the benefit of, Respondent and the Division and their successors in interest.
4. Nothing in these Stipulated Terms shall preclude any proceedings brought by the Department to enforce the terms of the Consent Order, and nothing in these Stipulated Terms constitute, nor shall Respondent contend that they constitute, a waiver of any right, power, or authority of any other representative of the Commonwealth or an agency thereof to bring other actions deemed appropriate.

V. FINAL ORDER

1. This Consent Order and Stipulation is intended to be, and shall be construed to be, a final order of the Department issued pursuant to G.L. c. 25, § 5, having the force and effect of a remedial order, pursuant to 220 CMR 69.07(2), and expressly does not form, and may not be considered to form, a contract binding on the Division, the Department, or the Commonwealth of Massachusetts.
2. The terms of this Consent Order and Stipulation, including this paragraph, are not subject to amendment or modification by any extraneous expression, prior agreement, or prior arrangements between the Division and the Respondent, whether oral or written.

By Order of the Division

Richard Enright, Director
Pipeline Safety Division
Department of Public Utilities

Date: _____

The undersigned, duly authorized, stipulates to and acknowledges agreement to the terms herein.

NSTAR GAS COMPANY D/B/A EVERSOURCE ENERGY

William Akley
President of Gas Operations

Date: _____

COMPLIANCE AGREEMENT
BETWEEN THE DEPARTMENT OF PUBLIC UTILITIES
AND NSTAR GAS COMPANY D/B/A EVERSOURCE ENERGY

D.P.U. 23-PL-64

NSTAR Gas Company d/b/a Eversource Energy (“Eversource”) agrees to take the following actions within the specified time periods:

1. Within 30 days of the effective date of this Order, Eversource shall pay a civil penalty of \$150,000 to the Commonwealth of Massachusetts.
2. Within 90 days of the effective date of the Order, Eversource shall revise its Operations & Maintenance Plan OM-150 to require that photographs of a markout are taken on the same day as the markout and provide documentation to the Pipeline Safety Division showing that it has satisfied this requirement.
3. Within 90 days of the effective date of this Order, Eversource shall revise its Operations & Maintenance Plan OM-150 to require that photographs of a markout are taken for Dig Safe ticket renewal requests in the same manner as a first-time notification and provide documentation to the Pipeline Safety Division showing that it has satisfied this requirement.
4. Within 90 days of the effective date of the Order, Eversource shall revise its Operations & Maintenance Plan OM-150 to ensure that inaccurate or incomplete maps and records are updated or completed promptly when identified and provide documentation to the Pipeline Safety Division showing that it has satisfied this requirement.
5. Within 90 days of the effective date of the Order, Eversource shall revise its Operations & Maintenance Plan OM-150 to add Marking Whiskers to list of approved marking methods and provide documentation to the Pipeline Safety Division showing that it has satisfied this requirement.
6. Within 90 days of the effective date of the Order, Eversource shall revise its Operations & Maintenance Plan OM-150 to create a new Work Practice to enhance enforcement of visual confirmation before excavation takes place and provide documentation to the Pipeline Safety Division showing that it has satisfied this requirement.
7. Within 90 days of the effective date of the Order, Eversource shall revise its Operations & Maintenance Plan OM-150 to clarify markout process steps in OM-150 flow chart and include problem locate steps and provide documentation to the Pipeline Safety Division showing that it has satisfied this requirement.
8. Within 120 days of the effective date of this Order, Eversource shall revise PS-199, Gas Pipeline Safety Drug and Alcohol Testing Plan, to identify Drug and Alcohol testing clinics that are able to be accessed during non-business hours and provide documentation to the Pipeline Safety Division showing that it has satisfied this requirement.

9. Within 90 days of the effective date of the Order, Eversource shall ensure that all employees and contractors performing gas work be provided appropriate curb-valve keys that would fit valves at each location the work is being performed.

EXHIBIT 8

D.P.U. 23-PL-64, NSTAR Gas Company d/b/a Eversource Energy Informal Review Decision



**THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES**

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

REBECCA L. TEPPER
SECRETARY OF ENERGY
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

JAMES VAN NOSTRAND
CHAIR

CECILE M. FRASER
COMMISSIONER

STACI RUBIN
COMMISSIONER

INFORMAL REVIEW DECISION

ELECTRONIC MAIL--RETURN RECEIPT REQUESTED

February 7, 2025

D.P.U. 23-PL-64

Kevin Kelley
President of Gas Operations
Eversource Energy
157 Cordaville Road
Southborough, MA 01772

Re: D.P.U. 23-PL-64, 126 Prince Street, Needham (November 4, 2023)

Dear Mr. Kelley:

On July 11, 2024, the Pipeline Safety Division ("Division") of the Department of Public Utilities ("Department") issued a Notice of Probable Violation ("NOPV"), D.P.U. 23-PL-64,¹ to NSTAR Gas Company d/b/a Eversource Energy ("Eversource" or "Respondent") for allegedly not following federal pipeline safety regulations, state damage prevention laws, and state damage

¹ Pursuant to 220 CMR 1.10(3), the Division incorporates by reference the above-noted NOPV and all documents that the Respondent has filed with the Division with respect to this enforcement action.

prevention regulations with regard to a gas-related reportable incident (“Incident”), as defined in 49 C.F.R. § 191.3, at its facilities at 126 Prince Street, Needham, Massachusetts.

According to the NOPV, the Division had reason to believe that Eversource may have violated certain sections of the federal pipeline safety regulations, 49 C.F.R. Part 192 (“Part 199”) and 49 C.F.R. Part 199 (“Part 199”), Massachusetts General Laws G.L. c. 82 § 40B, and Massachusetts regulations 220 CMR 99.00. The violations alleged in the NOPV were as follows:

1. 49 C.F.R § 192.13(c) - What general requirements apply to pipelines regulated under this part?
2. 49 C.F.R. § 192.605(a) - Procedural manual for operations, maintenance, and emergencies.
3. 49 C.F.R. § 192.614(a) - Damage prevention program.
4. G.L. c. 82 § 40B: Designation of Location of Underground Facilities
5. 220 CMR 99.06(1): Marking Procedures
6. 220 CMR 99.03(1): Premarking
7. 49 C.F.R § 199.225(a) - Alcohol tests required.

I. Background.

On Saturday November 4, 2023, at approximately 9:00 a.m., the Division received a Telephonic Incident Notification that an excavator struck a gas service resulting in an ignition inside a building at 126 Prince Street, Needham. The Division responded to the location of the Incident and discovered that R.J. Devereaux Corporation (“Devereaux”) was working as a contractor for Eversource to install a new gas service at the residence. While excavating along the side of 126 Prince Street at approximately 7:45 a.m., a Devereaux crew member struck the active steel service with an excavator. At the time of the Incident, the service fed an inside meter set. The hit service line resulted in a release of gas and ignition within the residence. One

Devereaux crew member sustained injuries requiring treatment at a nearby hospital, and the house was demolished on the day of the Incident.

Eversource hired Devereaux as a contractor for a project to relay mains and services at and around Prince Street, Needham. Devereaux was contractually responsible for locating facilities within the proposed work area. On September 7, 2023, a Dig Safe Ticket was called in for work to be performed along Prince Street and the scope of work included the area from the street to the houses. On September 5, 2023, a locator employed by Devereaux performed a markout at 126 Prince Street. Devereaux had access to Eversource's maps and records for the project. The Eversource Incident Analysis Report provides that the "locator stated he performed a conductive markout by connecting the locating equipment to the regulator vent line and marked out the residence with marker flags and paint." According to the Devereaux Incident Analysis Report, in an interview after the Incident, the locator reported that he did not go into the basement, but he direct connected his markout equipment to the vent coming out of the basement and the equipment produced a "strong signal." When the locator went to verify his marks with the service card for 126 Prince Street, it did not match. This discrepancy was noted on the multiple markout form dated September 5, 2023 ("Multi-Markout Form").² The locator then left 126 Prince Street and went to 140 Prince Street. When the locator started working on 140 Prince Street, he identified the differences in the service cards and property locations in reference to Kerrydale Road. The Devereaux Incident Analysis Report provides that the locator then "went

² Notably, the Multi-Markout Form reflected that the meter was outside, even though the meter was inside the basement. The Multi-Markout Form also reflected that the locator gained access to the meter.

back to 126 Prince Street with one of the service cards from 140 Prince Street and some of the measurements near the street seemed to match.” The locator noted on the Multi-Markout Form that a test hole was necessary for both 126 Prince Street and 140 Prince Street.

On September 8, 2023, three days after the locator completed the markout, pre-excavation photographs were taken by Devereaux. These pre-excavation photographs show that while the main on Prince Street and service at the front of the yard of 126 Prince Street was marked with flags and paint, there were no flags or markings on the side yard of 126 Prince Street where the service was struck and damaged on the day of the Incident. On October 2, 2023 Dig Safe Ticket 20233610205 was renewed for the Prince Street project and assigned Dig Safe Ticket No. 20234001382.

On October 4, 2023, the locator, a Devereaux foreman, and an Eversource inspector reviewed the Multi-Markout Form. The locator explained the discrepancy between the marks on the ground and the service card at 126 Prince Street. The Eversource Incident Analysis Report provides: “The service card indicated the service was at a 45-degree angle to the front of the house and followed by another 45-degree angle running parallel to the side of the house, with a final 90-degree angle leading into the house. The marks on the driveway showed a 90-degree angle running parallel to the front of the house, followed by a 90-degree angle parallel to the side of the house.” On October 4, 2023, the foreman completed a test hole where the trench for the new main would cross the existing service and its location was verified in the street at the existing main. Following the Incident, the foreman claimed that he direct connected to the tee in the street to identify the service. Neither the Eversource inspector nor the Devereaux foreman walked around 126 Prince Street to confirm the presence of flags on the side of the house on

October 4, 2023. On October 26, 2023, the Dig Safe ticket was renewed again and assigned Ticket No. 20234311452.

On November 4, 2023, the Division conducted a series of individual interviews with the three members of the Devereaux crew who were on scene at the time of the Incident. From approximately 6:45 a.m. to 7:15 a.m., the Devereaux crew arrived at 126 Prince Street, went over the job brief for the day, walked the job site, and prepared their work for the day. At approximately 7:25 a.m., the foreman began to excavate a trench within the street where the new service would be installed. The foreman was acting as the machine operator on the day of the Incident. Simultaneously, a laborer began to hand excavate alongside the side of the house and foundation where the new service was to be installed. The laborer did not expose the existing active steel gas service or confirm its location at this time. When the street excavation was completed, the foreman continued machine excavation along the side of the house where the laborer was hand digging. The Devereaux crew reported that by looking at the service card, no machine excavation was expected to cross over the active service. The Eversource Incident Analysis Report provides: "The foreman and laborer stated there was a yellow markout flag behind the condenser pad. Based on the location of the flag, the foreman believed they were outside of the tolerance zone and the crew proceeded to mechanically excavate the trench."

At approximately 7:45 a.m., the Devereaux crew struck the active gas service with the excavator causing gas to release. The Eversource Incident Analysis Report reads: "The foreman felt a tug as the machine was being operated to excavate. The laborer then started to hand-dig to locate the impacted object. The laborer told the foreman that he could hear blowing gas." At that time, it was believed that the gas leak was outside of the residence where the machinery

struck the service. The Devereaux crew attempted to shut off the gas at the curb valve but was unable to because they did not have the proper valve key.

While the laborer was still attempting to locate the service, the house ignited at approximately 7:51 a.m. The laborer was injured at this time and treated at the hospital before returning to the site. Immediately after the ignition, the Devereaux crew sought to evacuate any residents from the home. Police were notified and fire trucks arrived on scene at approximately 7:58 a.m. First responders and the Devereaux crew learned that there were no residents or animals inside the home. The Devereaux crew underwent Drug and Alcohol testing at AFC Urgent Care located at 370 Providence Highway, Dedham, between 3:55 p.m. and 4:20 p.m. on the day of the Incident.

On November 7, 2023, the Division returned to 126 Prince Street, Needham, along with Eversource, Devereaux, the Massachusetts State Police, and other parties. At this time, the home had been demolished with the service line still in place. During this inspection, the utility line was marked out true to the service card. Further, the service was marked out via indirect locating, direct locating, as well as physically revealed through vacuum excavation. Locating the facility confirmed that the service line's actual location differed from what the service card indicated. Eversource's service card for 126 Prince Street, Needham was inaccurate and was not updated after October 4, 2023.

II. Subsequent Investigation.

In Response to the NOPV, Eversource requested an informal conference with the Division, which was conducted on October 30, 2024, pursuant to 220 CMR 69.05. At the informal conference, Eversource did not contest the findings alleged in the NOPV, but reviewed

in detail items in the original Compliance Agreement, including areas where it was seeking further clarification or had concerns about the language used. Eversource also presented documentation to show the remedial actions it has taken, or is in the process of taking, to address some of the issues raised in the NOPV. In consideration of the topics discussed at the informal conference, and in review of the documentation provided, the Division has revised the Compliance Agreement as set forth below.

With regard to Item (1) in the original Compliance Agreement, Respondent requested a reduction in the civil penalty amount. After considering the criteria for determining the amount of the civil penalty as set forth in 220 CMR 99.14(3), including the degree of Respondent's culpability, and the nature, circumstance, and gravity of the violations, the Division declines to reduce the \$150,000 civil penalty amount.

With regard to Items (2)³ and (3)⁴, Respondent asked the Division to remove these items from the original Compliance Agreement. At the informal conference, Respondent contended that photographs of the markout would not have prevented the Incident. Eversource also highlighted potential technical issues with compliance if equipment was unavailable and

³ Compliance Item (2) in the original Compliance Agreement read: "Within 90 days of the effective date of the Order, Eversource shall revise its Operations & Maintenance Plan OM-150 to require that photographs of a markout are taken on the same day as the markout and provide documentation to the Pipeline Safety Division showing that it has satisfied this requirement."

⁴ Compliance Item (3) in the original Compliance Agreement read: "Within 90 days of the effective date of this Order, Eversource shall revise its Operations & Maintenance Plan OM-150 to require that photographs of a markout are taken for Dig Safe ticket renewal requests in the same manner as a first-time notification and provide documentation to the Pipeline Safety Division showing that it has satisfied this requirement"

referenced data storage issues. Respondent explained that it added additional language to its Operation and Maintenance Plan OM-150 ("O&M"). First, Eversource amended the language in Revision 9 of the O&M, effective July 15, 2024 to read: "As the mark out is being completed *and* after a mark out is complete, photographs are required when photographic equipment is available." Second, Respondent added a provision with respect to renewal tickets that reads: "A digital photograph should be taken when equipment is available." The Division has reviewed the documentation provided and has removed these items from the Compliance Agreement attached below.

With regard to Items (4), (5), (6), (7), and (8) in the Original Compliance Agreement, Respondent is not requesting removal or amendment of the language of these items, but asserted at the informal conference that these items have already been or will be completed. Rather than remove these items or amend the language, the Division requests that Eversource verify or provide evidence of its compliance with these Items, which are now set forth as Items (2), (3), (4), (5), and (6) in the Compliance Agreement below.

With regard to Item (9)⁵, Eversource requested that the language of this provision be modified to require that Eversource ensure all first response crews, as opposed to all employees and contractors performing gas work, be provided appropriate curb-valve keys that would fit valves at each location the work is being performed. Eversource argued that Eversource first response crews have the necessary curb valve keys to utilize in the event that gas needs to be

⁵ Compliance Item (9) in the Original Compliance Agreement read: "Within 90 days of the effective date of this Order, Eversource shall ensure that all employees and contractors performing gas work be provided appropriate curb-valve keys that would fit valves at each location the work is being performed."

isolated during an emergency and that Eversource's second party contractors have the necessary curb valve keys to utilize in non-emergency situations. In light of this information, the Division has amended this compliance item as set forth below in what is now Compliance Item (7).

III. Findings.

The Division has reviewed the facts and circumstances of the allegations set forth in the NOPV and has concluded that Eversource violated the following state damage prevention laws, state damage prevention regulations, and federal pipeline safety regulations:

1. 49 C.F.R § 192.13(c) - What general requirements apply to pipelines regulated under this part?

Each operator shall maintain, modify as appropriate, and follow the plans, procedures, and programs that it is required to establish under this part.

2. 49 C.F.R. § 192.605(a) - Procedural manual for operations, maintenance, and emergencies.

General. Each operator shall prepare and follow for each pipeline, a manual of written procedures for conducting operations and maintenance activities and for emergency response. For transmission lines, the manual must also include procedures for handling abnormal operations. This manual must be reviewed and updated by the operator at intervals not exceeding 15 months, but at least once each calendar year. This manual must be prepared before operations of a pipeline system commence. Appropriate parts of the manual must be kept at locations where operations and maintenance activities are conducted.

3. 49 C.F.R. § 192.614(a) - Damage prevention program.

Except as provided in paragraphs (d) and (e) of this section, each operator of a buried pipeline must carry out, in accordance with this section, a written program to prevent damage to that pipeline from excavation activities. For the purposes of this section, the term "excavation activities" includes excavation, blasting, boring, tunneling, backfilling, the removal of aboveground structures by either explosive or mechanical means, and other earthmoving operations.

4. G.L. c. 82 § 40B: Designation of location of underground facilities

Within 72 hours, exclusive of Saturdays, Sundays and legal holidays, from the time the initial notice is received by the system or at such time as the company and the excavator or professional land surveyor agree, such company shall respond to the initial notice or subsequent notice by designating the location of the underground facilities within 15 feet in any direction of the premarking so that the existing facilities are to be found within a safety zone. Such safety zone shall be so designated by the use of standard color-coded markings. The providing of such designation by the company shall constitute prima facie evidence of an exercise of reasonable precaution by the company as required by this section; provided, however, that in the event that the excavator or professional land surveyor has given notice as aforesaid at a location at which because of the length of excavation the company cannot reasonably designate the entire location of its facilities within such 72 hour period, then such excavator or professional land surveyor shall identify for the company that portion of the excavation which is to be first made and the company shall designate the location of its facilities in such portion within 72 hours and shall designate the location of its facilities in the remaining portion of the location within a reasonable time thereafter. When an emergency notification has been given to the system, the company shall make every attempt to designate its facilities as promptly as possible. A company shall conduct periodic audits to ensure: (i) the accuracy of the designated location and marking of its facilities; and (ii) its adherence to marking standards.

5. 220 CMR 99.06(1): Marking Procedures

Within 72 hours, exclusive of Saturdays, Sundays and legal holidays, from the time initial notice is received by the Dig Safe Center, every company shall mark the location of an underground facility by applying a visible marking material, such as paint, on the ground above the facility. The company may use an alternative marking method of color-coded stakes, color-coded flags or color-coded brush-type markers.

6. 220 CMR 99.03(1): Premarking

An excavator shall premark an excavation site before giving notice of the excavation to the Dig Safe Center.

7. 49 C.F.R § 199.225(a) - Alcohol tests required.

Each operator must conduct the following types of alcohol tests for the presence of alcohol:

(a) Post-accident.

(1) As soon as practicable following an accident, each operator must test each surviving covered employee for alcohol if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test under this section must be based on specific information that the covered employee's performance had no role in the cause(s) or severity of the accident.

(2) (i) If a test required by this section is not administered within 2 hours following the accident, the operator shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by paragraph (a) is not administered within 8 hours following the accident, the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Under G.L. c. 164, § 105A, Eversource is subject to a civil penalty not to exceed \$500,000 for each violation for each day that the violation exists, up to a maximum of \$10,000,000 for any related series of violations. These dollar amounts shall be doubled if the department determines that the violator has engaged in one or more similar violations in the three years preceding the violation. In determining the amount of the civil penalty, the Division shall consider the following, pursuant to G.L. c. 164, § 105A: the appropriateness of the penalty to the size of the business of the person, firm, or corporation charged; the gravity of the violation; and the good faith of the person, firm, or corporation charged in attempting to achieve compliance, after notification of a violation.


After due consideration of all the facts in their entirety, the Division assesses a civil penalty of \$150,000 for the violations in D.P.U. 23-PL-64. To resolve this matter, the Division is prepared to accept Eversource's agreement to the terms in the attached Consent Order and Compliance Agreement, which would put the Respondent in compliance with the cited federal pipeline safety regulations.

Within seven days of the date of this Informal Review Decision, the Respondent shall respond to the Division in one of the following ways, pursuant to 220 CMR 69.05:

- (1) Sign and return the attached Consent Order, thus agreeing to remit payment of the civil penalty by check or money order made payable to the Commonwealth of Massachusetts; or
- (2) Request an adjudicatory hearing in writing, in accordance with 220 CMR 69.05(3). The request must be received by the Division within seven days of the date of this decision. **Until further notice, the Department requires that the written request be submitted in electronic format to dpu.efiling@mass.gov.**

Failure to request an adjudicatory hearing within the time allowed will be deemed an admission to the allegations contained in this decision, and the Respondent shall be held liable to pay the civil penalty in the NOPV, pursuant to 220 CMR 69.05(3). If the Respondent fails to respond, the Department may, without further notice, find the facts to be as alleged herein and issue a final Order.

Very truly yours,



Richard Enright, Director
Pipeline Safety Division

Enclosures: Consent Order
Compliance Agreement

Cc: Erin Engstrom, Eversource Energy
Laurie Pereira, Eversource Energy
Karen Lane-Newell, Eversource Energy
Kristen Gasparonis, Eversource Energy
Rosmarvy Pena, Eversource Energy
Katherine Silver, Eversource Energy
Brendan Vaughan, Esq. Keegan Werlin
Danielle Winter, Esq. Keegan Werlin
Lori Page, Eversource Energy
Julia Day, Eversource Energy

pipelinesafety@eversource.com

Phillip Denton, Assistant Director, Pipeline Safety Division

Justin Evans, Assistant Director, Pipeline Safety Division

Matthew MacInnis, Public Utilities Engineer, Pipeline Safety Division

Deborah Hampton, Compliance Officer, Pipeline Safety Division

Emily Hamrock, Assistant General Counsel, Pipeline Safety Division

Patrick Leeman, Division Counsel, Pipeline Safety Division



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

CONSENT ORDER

February 7, 2025

D.P.U. 23-PL-64

In the matter of NSTAR Gas Company d/b/a Eversource Energy

I. JURISDICTION

1. This document, with the attached Compliance Agreement, is a Consent Order entered into between the Pipeline Safety Division ("Division") of the Department of Public Utilities ("Department") and NSTAR Gas Company d/b/a Eversource ("Respondent"), and is executed in accordance with 220 CMR 69.08.
2. The Division has authority to enter into this Consent Order on behalf of the Department pursuant to Delegation Order, D.P.U. 18-44-B (2020).
3. Failure to comply with the terms of this Order may result in the assessment of civil penalties and referral of this matter to the Attorney General for appropriate action.
4. The terms and conditions of this Order become effective upon signing by the authorized representatives of the Respondent and the Department.
5. Respondent has stipulated and consented to the issuance of this Consent Order.

II. VIOLATIONS AND CIVIL PENALTY

1. Pursuant to G.L. c. 164, §§ 76 and 105A, and 220 CMR 69.02, the Division conducted a pipeline safety inspection of the Respondent's facilities and records. As a result of the inspection, the Director of the Division issued to the Respondent a Notice of Probable Violation ("NOPV"), D.P.U. 23-PL-64, dated July 11, 2024, in accordance with 220 CMR 69.03. The NOPV is attached hereto and made a part hereof.
2. Based on information contained in the NOPV, the Division finds that the Respondent violated certain state damage prevention laws and regulations, and pipeline safety regulations contained in 49 C.F.R. Part 192 and 49 C.F.R. Part 199, specifically:

49 C.F.R § 192.13(c) - What general requirements apply to pipelines regulated under this part?

49 C.F.R. § 192.605(a) - Procedural manual for operations, maintenance, and emergencies.

49 C.F.R. § 192.614(a) - Damage prevention program.
G.L. c. 82 § 40B: Designation of Location of Underground Facilities
220 CMR 99.06(1): Marking Procedures
220 CMR 99.03(1): Premarking
49 C.F.R § 199.225(a) - Alcohol tests required.

3. Pursuant to G.L. c. 164, § 105A, the Division hereby imposes upon the Respondent a civil penalty in the amount of \$150,000 for the above-noted violations.
4. The Respondent hereby agrees, upon signing and returning this Consent Order to the Division, to remit payment of the civil penalty by check or money order in the amount of \$150,000 made payable to the Commonwealth of Massachusetts, One South Station, Boston, MA 02110.

III. RESPONDENT REQUIREMENTS

1. **Respondent shall sign the Stipulation below and return this complete document to the Division.**
2. All submissions by Respondent in accordance with this Consent Order shall be addressed to:

Ruchard Enright, Director
Pipeline Safety Division
Department of Public Utilities
One South Station
Boston, MA 02110

IV. STIPULATED TERMS

Pursuant to 220 CMR 69.08(1), the Respondent through the signature below, by the person to whom this Consent Order is issued or a duly authorized representative, acknowledges agreement to the terms contained herein without admitting or denying that a violation of any Department or federal pipeline safety law or regulation occurred in relation to the above-noted matters. Further, Respondent agrees to issuance of this Consent Order and stipulates to the following:

1. Respondent, by signing the Stipulation, hereby waives:
 - (a) All rights to informal review pursuant to 220 CMR 69.05;
 - (b) All rights to a hearing pursuant to 220 CMR 69.06;
 - (c) Any and all procedural rights available in connection with the issuance of the Consent Order;
 - (d) All rights to seek any type of administrative or judicial review of the Consent Order; and

- (e) Any and all rights to challenge or contest the validity of the Consent Order.
2. Respondent expressly acknowledges that neither Respondent nor the Division has any intention to enter into a contract.
 3. The terms and provisions of this Consent Order and Stipulation shall be binding upon, and inure to the benefit of, Respondent and the Division and their successors in interest.
 4. Nothing in these Stipulated Terms shall preclude any proceedings brought by the Department to enforce the terms of the Consent Order, and nothing in these Stipulated Terms constitute, nor shall Respondent contend that they constitute, a waiver of any right, power, or authority of any other representative of the Commonwealth or an agency thereof to bring other actions deemed appropriate.

V. FINAL ORDER

1. This Consent Order and Stipulation is intended to be, and shall be construed to be, a final order of the Department issued pursuant to G.L. c. 25, § 5, having the force and effect of a remedial order, pursuant to 220 CMR 69.07(2), and expressly does not form, and may not be considered to form, a contract binding on the Division, the Department, or the Commonwealth of Massachusetts.
2. The terms of this Consent Order and Stipulation, including this paragraph, are not subject to amendment or modification by any extraneous expression, prior agreement, or prior arrangements between the Division and the Respondent, whether oral or written.

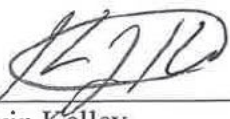
By Order of the Division



Richard Enright, Director
Pipeline Safety Division
Department of Public Utilities

Date: 3/3/2025

The undersigned, duly authorized, stipulates to and acknowledges agreement to the terms herein.



Kevin Kelley
President of Gas Operations

Date: 2-13-2025

COMPLIANCE AGREEMENT
BETWEEN THE DEPARTMENT OF PUBLIC UTILITIES
AND NSTAR GAS COMPANY D/B/A EVERSOURCE ENERGY

D.P.U. 23-PL-64

NSTAR Gas Company d/b/a Eversource Energy (“Eversource”) agrees to take the following actions within the specified time periods:

1. Within 30 days of the effective date of this Order, Eversource shall pay a civil penalty of \$150,000 to the Commonwealth of Massachusetts.
2. Within 90 days of the effective date of the Order, Eversource shall revise its Operations & Maintenance Plan OM-150 to ensure that inaccurate or incomplete maps and records are updated or completed promptly when identified and provide documentation to the Pipeline Safety Division showing that it has satisfied this requirement.
3. Within 90 days of the effective date of the Order, Eversource shall revise its Operations & Maintenance Plan OM-150 to add Marking Whiskers to list of approved marking methods and provide documentation to the Pipeline Safety Division showing that it has satisfied this requirement.
4. Within 90 days of the effective date of the Order, Eversource shall revise its Operations & Maintenance Plan OM-150 to create a new Work Practice to enhance enforcement of visual confirmation before excavation takes place and provide documentation to the Pipeline Safety Division showing that it has satisfied this requirement.
5. Within 90 days of the effective date of the Order, Eversource shall revise its Operations & Maintenance Plan OM-150 to clarify markout process steps in OM-150 flow chart and include problem locate steps and provide documentation to the Pipeline Safety Division showing that it has satisfied this requirement.
6. Within 120 days of the effective date of this Order, Eversource shall revise PS-199, Gas Pipeline Safety Drug and Alcohol Testing Plan, to identify Drug and Alcohol testing clinics that are able to be accessed during non-business hours and provide documentation to the Pipeline Safety Division showing that it has satisfied this requirement.
7. Within 90 days of the effective date of the Order, Eversource shall ensure that all first response crews be provided appropriate curb-valve keys that would fit valves at each location that gas work is being performed.

EXHIBIT 9

D.P.U. 23-DS-1260I, R.J. Devereaux Notice of Probable Violation



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

MAURA T. HEALEY
GOVERNOR

KIMBERLY DRISCOLL
LEUTENANT GOVERNOR

REBECCA L. TEPPER
SECRETARY OF ENERGY
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

JAMES VAN NOSTRAND
CHAIR

CECILE M. FRASER
COMMISSIONER

STACI RUBIN
COMMISSIONER

NOTICE OF PROBABLE VIOLATION

ELECTRONIC MAIL--RETURN RECEIPT REQUESTED

July 11, 2024

D.P.U. 23-DS-1260I

R.J. Devereaux Corporation
17 Pleasant Street, 2nd Floor
Malden, MA 02148

To Whom It May Concern:

This Notice of Probable Violation (“NOPV”) has important information that affects you or your company’s legal rights. Please read the entire letter carefully and have it translated if necessary.

Based on information submitted to the Pipeline Safety Division (“Division”) of the Department of Public Utilities (“Department”), the Division has reason to believe that on or about November 04, 2023, R.J. Devereaux Corporation (“Respondent”) performed an excavation at 126 Prince St, Needham, Massachusetts, without complying with the applicable provisions of G.L. c. 82, §§ 40 through 40E (“Dig Safe Law”) or 220 CMR 99.00 (“Dig Safe Regulations”), or both.

Specifically, the Division has reason to believe that Respondent **failed to maintain the designation marking of underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(4), failed to request remarking at the location due to the obliteration, destruction, or other removal of such markings, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(4), and failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage to the underground facilities, as**

required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3). If the violation report(s) regarding this incident has not been included with this NOPV, such report(s) are available for review upon request.

A violation relating to a natural gas pipeline facility is subject to a civil penalty not to exceed \$500,000 for each violation for each day that the violation exists, up to a maximum of \$10,000,000 for any related series of violations. These dollar amounts shall be doubled if the department determines that the violator has engaged in one or more similar violations in the three years preceding the violation. G.L. c. 164, § 105A; 220 CMR 99.14(1). A violation relating to any other underground facility is subject to a civil penalty of \$1,000 for a first offense, and between \$5,000 and \$10,000 for any subsequent offense within twelve consecutive months. G.L. c. 82, § 40E; 220 CMR 99.14(2). In determining the amount of the civil penalty, the Division shall consider the following criteria, pursuant to 220 CMR 99.14(3): (a) the nature, circumstances, and gravity of the violation, including adverse impact on the environment; (b) the degree of Respondent's culpability; (c) Respondent's history of prior offenses; (d) any good faith by Respondent in attempting to achieve compliance after notification of a violation; (e) the effect on Respondent's ability to continue in business; (f) the economic benefit gained from violation, if readily ascertainable, without any reduction because of subsequent damages; and (g) such other matters as justice may require.

In the present matter, the Division has reviewed the circumstances of the allegations and is prepared to resolve this matter upon Respondent's agreement to the terms in the attached Consent Order and payment of a civil penalty in the amount of **\$150,000**.

To resolve this matter, Respondent must respond to the Division in one of the following ways.

1. Consent Order and Payment: To resolve this matter without disputing the alleged violations, Respondent or a duly authorized representative must sign and return the enclosed Consent Order to the Division **within 30 days of the date of this NOPV**, along with a check or money

order for **\$150,000** made payable to the Commonwealth of Massachusetts. 220 CMR 99.09(2)(a). **Respondent should also inform the Division at DPU.DamagePrevention@mass.gov that the Consent Order and payment have been mailed.**

2. **Response to NOPV:** Respondent can respond to this NOPV in one of two ways.
First, a **substantive written response by email to DPU.DamagePrevention@mass.gov within 30 days of the date of this NOPV.** This reply must be signed by Respondent or a duly authorized representative, and it must include a complete statement of all relevant facts and any relevant documents. 220 CMR 99.09(2)(b). The statement may include an explanation of the reasons for disputing the allegations, a complete description of the markings provided, and any additional evidence such as photos, maps, work orders, emails, correspondence, or witness statements.
Second, Respondent may also request an informal conference, please contact us **within ten business days of the date of this NOPV** at DPU.DamagePrevention@mass.gov. We will make every effort to provide reasonable accommodations.

Failure to respond to this NOPV constitutes a waiver of Respondent's right to contest the allegations and authorizes the Department, without further notice to Respondent, to find the facts to be as alleged in the NOPV and to issue a remedial order finding Respondent to have violated the law and liable to pay the civil penalty. 220 CMR 99.09(4).

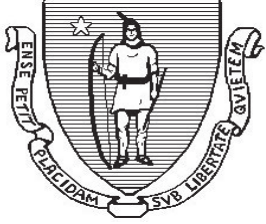
If you have any questions concerning this notice, please direct all inquiries or written responses to DPU.DamagePrevention@mass.gov. We look forward to hearing from you.

Very truly yours,



Richard Enright,
Director
Pipeline Safety Division

Enclosure



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

CONSENT ORDER

In the matter of R.J. Devereaux Corporation

D.P.U. 23-DS-1260I

I. JURISDICTION

1. Pursuant to G.L. c. 82, § 40E and G.L. c. 164, § 105A, the Department of Public Utilities ("Department") has authority to enforce violations of the provisions of G.L. c. 82, §§ 40 through 40E ("Dig Safe Law"), and 220 CMR 99.00 ("Dig Safe Regulations").
2. The Department issued the Dig Safe Regulations to establish procedures for the determination and enforcement of violations of the Dig Safe Law and Dig Safe Regulations.
3. Pursuant to Delegation Order, D.P.U. 18-44-B (2020), the Commission of the Department delegated to the Department's Pipeline Safety Division ("Division") the administration and enforcement of the Dig Safe Law.
4. For purposes of this Consent Order, R.J. Devereaux Corporation ("Respondent") is an Excavator or Company within the meaning of the Dig Safe Law and the Dig Safe Regulations.
5. Respondent has stipulated and consented to the issuance of this Consent Order. **II. DIG**

SAFE VIOLATIONS AND CIVIL PENALTY

Pursuant to the authority vested in it by D.P.U. 18-44-B, the Dig Safe Law, and the Dig Safe Regulations, the Division hereby orders that:

1. Based on information referenced in the July 11, 2024, Notice of Probable Violation ("NOPV") issued by the Division and gathered during the informal review, the Division finds that Respondent violated the Dig Safe Law or Dig Safe Regulations, or both, in connection with an excavation that occurred at 126 Prince St, Needham, Massachusetts, on or about November 04, 2023. The NOPV is attached hereto and made a part hereof.
2. Pursuant to G.L. c. 82, § 40E, and 220 CMR 99.14, the Division imposes upon Respondent a civil penalty of **\$150,000**. A violation relating to a natural gas pipeline facility is subject to a civil penalty of not more than \$500,000 each day, up to a maximum civil penalty of \$10,000,000 for a related series of violations. G.L. c. 164, § 105A; 220 CMR 99.14(1). These dollar amounts shall be doubled if the department

Consent Order

determines that the violator has engaged in one or more similar violations in the three years preceding the violation. A violation relating to any other underground facility is subject to a civil penalty of \$1,000 for a first offense, and between \$5,000 and \$10,000 for any subsequent offense within twelve consecutive months. G.L. c. 82, § 40E; 220 CMR 99.14(2).

3. Respondent shall pay the civil penalty ordered herein by remittance to the Division of a check or money order in the amount of **\$150,000** made payable to the Commonwealth of Massachusetts.

III. RESPONDENT REQUIREMENTS

1. **Respondent shall sign the Stipulation below and return this complete document to the Division along with payment of the civil penalty.**
2. All submissions by Respondent in accordance with this Consent Order shall be addressed to:

Attention: Damage Prevention Program
Pipeline Safety Division
Department of Public Utilities One
South Station, 3rd Floor
Boston, MA 02110

IV. STIPULATED TERMS

Respondent, through the signature below, by the person to whom this Consent Order is issued or a duly authorized representative, acknowledges agreement to the terms contained herein, pursuant to 220 CMR 99.13(1). In signing this Order, Respondent neither admits nor denies that a violation of any Department or federal pipeline safety law or regulation occurred in relation to the above noted matters. Further, Respondent agrees to issuance of this Consent Order and stipulates to the following:

1. Respondent, by signing the Stipulation, hereby waives:
 - a. All rights to informal review pursuant to 220 CMR 99.10;
 - b. All rights to an adjudicatory hearing pursuant to 220 CMR 99.10(3);
 - c. Any and all procedural rights available in connection with the issuance of the Consent Order;
 - d. All rights to seek any type of administrative or judicial review of the Consent Order;
and
 - e. Any and all rights to challenge or contest the validity of the Consent Order.
2. Respondent expressly acknowledges that neither Respondent nor the Division has any intention to enter into a contract.
3. The terms and provisions of this Consent Order and Stipulation shall be binding upon, and inure to the benefit of, Respondent and the Division and their successors in interest.

4. Nothing in these Stipulated Terms shall preclude any proceedings brought by the Department to enforce the terms of the Consent Order, and nothing in these Stipulated Terms constitute, nor shall Respondent contend that they constitute, a waiver of any right, power, or authority of any other representative of the Commonwealth or an agency thereof to bring other actions deemed appropriate.

V. FINAL ORDER

1. This Consent Order and Stipulation is intended to be, and shall be construed to be, a final order of the Department issued pursuant to G.L. c. 25, § 5, having the force and effect of a remedial order, pursuant to 220 CMR 99.13(2), and expressly does not form, and may not be considered to form, a contract binding on the Division, the Department, or the Commonwealth of Massachusetts.
2. The terms of this Consent Order and Stipulation, including this paragraph, are not subject to amendment or modification by any extraneous expression, prior agreement, or prior arrangements between the Division and the Respondent, whether oral or written.

By Order of the Division

Richard Enright,
Director
Pipeline Safety Division
Department of Public Utilities

Date: _____

The undersigned, duly authorized, stipulates to and acknowledges agreement to the terms herein.

R.J. Devereaux Corporation

By: _____

Date: _____

Print Name: _____

Title: _____

EXHIBIT 10

D.P.U. 23-DS-1260I, R.J. Devereaux Informal Review Decision



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

REBECCA L. TEPPER
SECRETARY OF ENERGY
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION
BOSTON, MA 02110
(617) 305-3500

JAMES VAN NOSTRAND
CHAIR

CECILE M. FRASER
COMMISSIONER

STACI RUBIN
COMMISSIONER

INFORMAL REVIEW DECISION

ELECTRONIC MAIL--RETURN RECEIPT REQUESTED

February 7, 2025

D.P.U. 23-DS-1260I

R.J. Devereaux Corporation
17 Pleasant Street, 2nd Floor
Malden, MA, 02148

To Whom It May Concern:

On **July 11, 2024**, the Pipeline Safety Division ("Division") of the Department of Public Utilities ("Department"), pursuant to 220 CMR 99.09(1), issued **R.J. Devereaux Corporation** ("Respondent") a Notice of Probable Violation ("NOPV"), stating that the Division had reason to believe that on or about **November 4, 2023**, Respondent performed excavations at **126 Prince St, Needham**, Massachusetts, without complying with the applicable provisions of G.L. c. 82, §§ 40 through 40E ("Dig Safe Law") or 220 CMR 99.00 ("Dig Safe Regulations"), or both.

Specifically, the NOPV stated that the Division had reason to believe that Respondent **failed to maintain the designation marking of underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(4), failed to request remarking at the location due to the obliteration, destruction, or other removal of such markings, as required by the Dig Safe Law, G.L. c. 82, § 40C**

and 220 CMR 99.07(4), and failed to perform the excavation using non-mechanical means or failed to employ reasonable precautions to avoid damage to the underground facilities, as required by the Dig Safe Law, G.L. c. 82, § 40C and 220 CMR 99.07(3). The NOPV further stated that Respondent had a right to reply in writing within 30 days, or to appear before a Division investigator at an informal conference. On September 17, 2024, Respondent appeared at an informal conference. After the informal conference, Respondent filed a document demonstrating corrective actions taken, which we received on September 17, 2024 (“Corrective Actions Document”).

The evidence includes a Dig Safe Violation Report (“DSVR”) provided by Respondent, a DSVR provided by a Division inspector, relevant Dig Safe tickets, locate photographs, damage investigation photographs, Respondent’s Incident Analysis Report that was included as an attachment to the DSVR, and the Corrective Actions Document. The evidence shows that on November 4, 2023, while excavating to install a new gas service at 126 Prince Street in Needham, Respondent struck and damaged an active steel gas service with an excavator that resulted in the release of gas, an ignition, house fire, and ultimately demolition of the residence.

At the informal conference, Respondent did not dispute the factual allegations of the NOPV, but did request a reduction of the \$150,000 civil penalty amount. Specifically, Respondent did not dispute that it failed to maintain the designation markings of underground facilities, and that it failed to request remarking at the location due to the destruction, obliteration or removal of such markings. Respondent also did not dispute that it failed to perform the excavation using non-mechanical means and failed to employ reasonable precautions to avoid damage to the underground facilities. Instead, Respondent provided in detail the corrective actions it has taken since the incident in support of its request for a reduction in the civil penalty.

The Division has conducted a review of all the relevant evidence submitted, including the information that Respondent provided at the informal conference and in the Corrective Actions Document, and finds that Respondent committed the violations as alleged in the NOPV. Specifically, the Division finds that Respondent violated G.L. c. 82, § 40C, 220 CMR 99.07(4), and 220 CMR 99.07(3). The Division appreciates the remedial actions taken by Respondent. However, after considering the criteria for determining the amount of the civil penalty as set forth in 220 CMR 99.14(3), including the degree of Respondent's culpability, and the nature, circumstance, and gravity of the violations, the Division denies the request to reduce the \$150,000 civil penalty assessed in the NOPV.

To resolve this matter, you or a duly authorized representative should sign and return the enclosed Consent Order **within 30 days of the date of this decision**. 220 CMR 99.13(1). The Consent Order must be accompanied by a check or money order for **\$150,000** made payable to the Commonwealth of Massachusetts.

If you wish to dispute the Division's decision, you have the right to request an adjudicatory hearing by submitting a written request within 14 days of the date of this decision to Mark D. Marini, Department Secretary. Until further notice, the Department requires that the written request be submitted in electronic format to dpu.efiling@mass.gov.¹

An adjudicatory hearing is a formal proceeding as defined by G.L. c. 30A and is conducted by a Department hearing officer pursuant to 220 CMR 1.00. The adjudicatory hearing provides an opportunity for the Department to review the facts and circumstances of the alleged Dig Safe violation(s). The amount of the civil penalty sought at an adjudicatory hearing may be higher than the fine amount stated herein. **At the**

¹ If you do not have access to email, please call Mark D. Marini at 617-305-3618 in advance of the 14-day deadline to make other arrangements.

adjudicatory hearing, Respondent must be represented by an attorney, unless Respondent is an individual representing him or herself.

Failure to request an adjudicatory hearing constitutes a waiver of Respondent's right to contest the decision and authorizes the Department, without further notice to Respondent, to hold Respondent liable to pay the civil penalty through the issuance of a Remedial Order.² 220 CMR 99.10(3).

If you have any questions regarding this matter, please direct your inquiries to DPU.DamagePrevention@mass.gov.

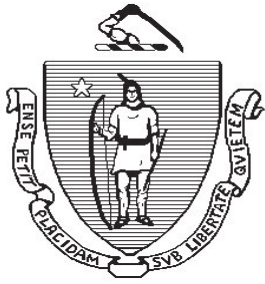
Very truly yours,

A handwritten signature in dark ink, appearing to read "R. Enright", is positioned above the printed name of the signatory.

Richard Enright, Director
Pipeline Safety Division

Enclosure: Consent Order

² A Remedial Order is a final decision of the Department within the meaning of G.L. c. 25, § 5, subject to review by the Massachusetts Supreme Judicial Court, and effective upon issuance unless stayed, suspended, modified, or rescinded. 220 CMR 99.12.



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

CONSENT ORDER

In the matter of **R.J. Devereaux Corporation**

D.P.U. 23-DS-1260I

I. JURISDICTION

1. Pursuant to G.L. c. 82, § 40E and G.L. c. 164, § 105A, the Department of Public Utilities ("Department") has authority to enforce violations of the provisions of G.L. c. 82, §§ 40 through 40E ("Dig Safe Law"), and 220 CMR 99.00 ("Dig Safe Regulations").
2. The Department issued the Dig Safe Regulations to establish procedures for the determination and enforcement of violations of the Dig Safe Law and Dig Safe Regulations.
3. Pursuant to Delegation Order, D.P.U. 18-44-B (2020), the Commission of the Department delegated to the Department's Pipeline Safety Division ("Division") the administration and enforcement of the Dig Safe Law.
4. For purposes of this Consent Order, **R.J. Devereaux Corporation** ("Respondent") is an Excavator or Company within the meaning of the Dig Safe Law and the Dig Safe Regulations.
5. Respondent has stipulated and consented to the issuance of this Consent Order.

II. DIG SAFE VIOLATIONS AND CIVIL PENALTY

Pursuant to the authority vested in it by D.P.U. 18-44-B, the Dig Safe Law, and the Dig Safe Regulations, the Division hereby orders that:

1. Based on information referenced in the **July 11, 2024** Notice of Probable Violation ("NOPV") issued by the Division and gathered during the informal review, the Division finds that Respondent violated the Dig Safe Law or Dig Safe Regulations, or both, in connection with an excavation that occurred at **126 Prince St, Needham**, Massachusetts, on or about **November 4, 2023**. The NOPV is attached hereto and made a part hereof.
2. Pursuant to G.L. c. 82, § 40E, and 220 CMR 99.14, the Division imposes upon Respondent a civil penalty of **\$150,000**. A violation relating to a natural gas pipeline facility is subject to a civil penalty of not more than \$500,000 each day, up to a maximum civil penalty of \$10,000,000 for a related series of violations. G.L. c. 164, § 105A; 220 CMR 99.14(1). These dollar amounts shall be doubled if the department determines that the violator has engaged in one or more similar violations in the three years preceding the violation. A violation relating to any other underground facility is subject to a civil penalty of \$1,000 for a first offense, and between

\$5,000 and \$10,000 for any subsequent offense within twelve consecutive months. G.L. c. 82, § 40E; 220 CMR 99.14(2).

3. Respondent shall pay the civil penalty ordered herein by remittance to the Division of a check or money order in the amount of **\$150,000** made payable to the Commonwealth of Massachusetts.

III. RESPONDENT REQUIREMENTS

1. **Respondent shall sign the Stipulation below and return this complete document to the Division along with payment of the civil penalty.**
2. All submissions by Respondent in accordance with this Consent Order shall be addressed to:

Attention: Damage Prevention Program
Pipeline Safety Division
Department of Public Utilities
One South Station, 3rd Floor
Boston, MA 02110

IV. STIPULATED TERMS

Respondent, through the signature below, by the person to whom this Consent Order is issued or a duly authorized representative, acknowledges agreement to the terms contained herein, pursuant to 220 CMR 99.13(1). In signing this Order, Respondent neither admits nor denies that a violation of any Department or federal pipeline safety law or regulation occurred in relation to the above-noted matters. Further, Respondent agrees to issuance of this Consent Order and stipulates to the following:

1. Respondent, by signing the Stipulation, hereby waives:
 - (a) All rights to an adjudicatory hearing pursuant to 220 CMR 99.10(3);
 - (b) Any and all procedural rights available in connection with the issuance of the Consent Order;
 - (c) All rights to seek any type of administrative or judicial review of the Consent Order; and
 - (d) Any and all rights to challenge or contest the validity of the Consent Order.
2. Respondent expressly acknowledges that neither Respondent nor the Division has any intention to enter into a contract.
3. The terms and provisions of this Consent Order and Stipulation shall be binding upon, and inure to the benefit of, Respondent and the Division and their successors in interest.
4. Nothing in these Stipulated Terms shall preclude any proceedings brought by the Department to enforce the terms of the Consent Order, and nothing in these Stipulated Terms constitute, nor shall Respondent contend that they constitute, a waiver of any right, power, or authority of any other representative of the Commonwealth or an agency thereof to bring other actions deemed appropriate.

D.P.U. 23-DS-1260I
Consent Order



V. FINAL ORDER

1. This Consent Order and Stipulation is intended to be, and shall be construed to be, a final order of the Department issued pursuant to G.L. c. 25, § 5, having the force and effect of a remedial order, pursuant to 220 CMR 99.13(2), and expressly does not form, and may not be considered to form, a contract binding on the Division, the Department, or the Commonwealth of Massachusetts.
2. The terms of this Consent Order and Stipulation, including this paragraph, are not subject to amendment or modification by any extraneous expression, prior agreement, or prior arrangements between the Division and the Respondent, whether oral or written.


By Order of the Division


Richard Enright, Director
Pipeline Safety Division
Department of Public Utilities


Date: March 12, 2025

The undersigned, duly authorized, stipulates to and acknowledges agreement to the terms herein.

R.J. Devereaux Corporation

By: 
Print name: Timothy Johnson
Title: Director of Operations

Date: 3/5/2025

FOR DEPOSIT ONLY
DEPT. OF PUBLIC UTILITIES
ACCH# 
01 0312*2025 11:25 N000016
TND CHECK \$150000.00

MAR 12 REC'D
23-DS-1260I

EXHIBIT 11

Telephonic Incident Notification



Massachusetts Department of Public Utilities
Pipeline Safety Division
DPU.PipelineReports@mass.gov

TELEPHONIC INCIDENT NOTIFICATION (TIN) FORM

NOTE: "N/A" = Not Applicable. For unknown or unavailable information, enter "UNK" in the text box.

DPU Use Only					
Date of call:	11/4/2023	Time of call:	0900	Report received by:	M MacInnis
SECTION 1 GENERAL INFORMATION					
Operator's Name:		Eversource Energy	Who Notified Operator:		FD
Person Filing Report:			Street Address:		126 Prince St
Contact Phone Number:			City/Town:		Needham
SECTION 2 INCIDENT INFORMATION					
TYPE OF CALL (check all that apply)			DETAILED DESCRIPTION OF INCIDENT		
1. Hit Pipeline w/Release of Gas <input checked="" type="checkbox"/>			Incident reported at 126 Prince St Needham. Excavator struck service, causing ignition inside building. DPU will be reporting on site		
2. Evacuation <input type="checkbox"/>					
3. Gas Outage <input type="checkbox"/>					
4. 49 CFR 191 Incident <input type="checkbox"/>					
5. Over/Under Pressure <input type="checkbox"/>					
6. Gas Ignition/Explosion <input checked="" type="checkbox"/>					
7. LNG Facility <input type="checkbox"/>					
8. LPG Facility <input type="checkbox"/>					
9. Security Breach <input type="checkbox"/>					
10. Media on site <input type="checkbox"/>					
SECTION 3 INCIDENT TIMELINE (military time)					
Call received:			Incident made safe:		
Technician dispatched:			Service restored (if applicable):		
Technician arrived on site:					
SECTION 4 EVACUATION INFORMATION <input type="checkbox"/> N/A					
Evacuated by:		FD	Time evacuated:		
No. of persons evacuated:			Time allowed to re-enter:		
SECTION 5 LEAK INFORMATION <input type="checkbox"/> N/A					
Leak Classification:			Was gas service interrupted?		<input type="checkbox"/> Yes <input type="checkbox"/> No
Has the leak been secured?		<input type="checkbox"/> Yes <input type="checkbox"/> No	For hit with release of gas, did Excavator call 911?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
SECTION 6 OUTAGE INFORMATION <input type="checkbox"/> N/A					
Estimated duration of outage:			Number of customers affected:		
SECTION 7 DISTRIBUTION SYSTEM INFORMATION					
Pipe Material (select one):			Operating Pressure (psig):		
			Pipe Size (inches):		
SECTION 8 DAMAGE PREVENTION INFORMATION <input type="checkbox"/> N/A					
Dig Safe No.			Excavator information:		Eastern Concrete Cutting and Drilling
Dig Safe Number valid?		<input type="checkbox"/> Yes <input type="checkbox"/> No	Site properly marked?		<input type="checkbox"/> Yes <input type="checkbox"/> No
SECTION 9 NATIONAL RESPONSE CENTER (NRC) INFORMATION <input type="checkbox"/> N/A					
Incident reported to NRC?		<input type="checkbox"/> Yes <input type="checkbox"/> No	Date reported:		
			Time reported (est.):		
SECTION 10 INJURIES/HOSPITALIZATION <input type="checkbox"/> N/A					
Number of persons injured:			Number of persons hospitalized:		