

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on August 18, 1999

COMMISSIONERS PRESENT:

Maureen O. Helmer, Chairman
Thomas J. Dunleavy
James D. Bennett
Leonard A. Weiss
Neal N. Galvin

CASE 99-G-0889 - In the Matter of a Natural Gas Fire at
Lafayette Avenue and Bedford Avenue, Brooklyn,
New York, on January 13, 1999 in the Territory
of Brooklyn Union of New York City, filed in C
15686.

ORDER TO REVISE PROCEDURES AND TO SHOW
CAUSE WHY A PENALTY SHOULD NOT BE IMPOSED

(Issued and Effective August 23, 1999)

BY THE COMMISSION:

Staff's investigation concluded that employees of
Brooklyn Union of New York City (BU) failed to follow company
procedures regarding use of personal protective equipment
(PPE) while repairing a leaking gas main on January 13, 1999.

That failure to follow procedures contributed to injuries to
three BU employees. A failure to follow procedures is a
violation of '255.603(d) of the Gas Safety Code, which
requires:

Each operator shall satisfactorily conform with the
program submitted.

The program referred to is described in '255.603(b), which
requires:

Each operator shall prepare and file a detailed
written operating and maintenance plan for complying
with all provisions of this Part...

Section 25(3) of the Public Service Law provides, inter alia,
that a penalty for a knowing violation of the Gas Safety Code

may be imposed in an amount of up to \$250,000.

Based on Staff's investigation, it appears that a violation of the Gas Safety Code ('255.603(d)) occurred. Therefore, in accordance with '25(3)(a) of the PSL, BU will be directed to show cause why such a penalty should not be imposed.

Staff's investigation also found that a BU procedure - SOP 7-4 - General Safety Requirements, would be improved by noting the existence of a protocol between the company and the New York City Department of Environmental Protection regarding coordination at emergency sites, and incorporating the text of the protocol into SOP 7-4.

Staff's investigation also found that BU's Emergency Operating Procedures manual should also be revised to incorporate post-accident alcohol testing as required by 49 CFR 199.125.

The Commission orders:

1. Within 30 days of the effective date of this order, Brooklyn Union of New York City shall submit revisions to its SOP 7-4 - General Safety Requirements, so as to :
 - a. Specifically reference the existence of the Brooklyn Union of New York City/Department of Environmental Protection protocol and incorporate the text of the protocol; and
 - b. Add a provision that if a hazardous atmosphere develops, the affected area be evacuated and personal protective equipment be utilized before re-entering the affected area.
2. Within 30 days of the effective date of this order, Brooklyn Union of New York City shall submit revisions to its Emergency Operating Procedures manual to incorporate post-accident alcohol testing as required by 49 CFR 199.225.
3. Within 30 days of the effective date of this order, Brooklyn Union shall Show Cause as to why the

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Commission should not commence a penalty against it for failure to comply with 16 NYCRR 255.603(d).

4. This proceeding is continued.

By the Commission,

(SIGNED)

DEBRA RENNER
Acting Secretary