



May 23, 2016

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In accordance with the New York State Public Service Commission's ("Commission") Notice Soliciting Comments on Straw Proposal Regarding Inspection Protocols for Gas Service Lines (issued March 3, 2016)(the "Notice"), The Plumbing Foundation City of New York, Inc. submits these comments concerning the Straw Proposal to implement the Commission's expanded definition of "gas service line" and are offered as a supplement in support of comments provided by Con Edison, National Grid, and The Northeast Gas Association.

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I. Summary

Effective April 2, 2015, the Commission adopted a new definition of gas service line to "align New York's definition with the federal definition."¹ The new definition "extends jurisdictional piping to the gas meter regardless of its location inside a building which extends regulatory inspection requirements of jurisdictional piping beyond the first inside fitting at the point of entry to the outlet of the meter regardless of meter location. Gas piping work within buildings in NYC is governed by the NYC Building Code and as such requires work to be conducted by properly trained and qualified Licensed Master Plumbers (LMP's). In addition to the State Code Rule changes implemented last year, NYC has proposed several pieces of gas safety legislation which in combination with the aforementioned service line definition changes, would require building owners to conduct gas piping safety inspections in commercial and multifamily buildings (Int. No. 1088)². Following the public information session facilitated by DPS, The Plumbing Foundation has been working with Con Edison, National Grid and the Northeast Gas Association to develop efficient and reasonable implementation strategies which includes use of LMP's to conduct inside building piping inspections, supplemental training, Operator Qualification and DOT compliant drug and alcohol testing programs.

¹Straw Proposal at p. 1 (citing Case 14-G-0357, Revising 16 NYCRR Gas Safety Regulations, Memorandum and Resolution Adopting Gas Safety Regulation Amendments (Issued and effective April 2, 2015)).

² Int. No. 1088 – A Local Law to amend the administrative code of the City of New York, in relation to periodic inspections of gas piping systems.

The Plumbing Foundation supports a continued collaborative approach to implementation with Staff, and other stakeholders in conjunction with City Council and proposed legislation in NYC. The Foundation appreciates the opportunity to offer its comments and we thank Staff and the Commission for their consideration.

II. Straw Proposal Comments

In summary, the Plumbing Foundation supports Staff proposal to examine the frequency of inspection of inside building piping based of scientific study and risk assessment results. The current NYC legislation includes more comprehensive inspections of gas piping then prescribed by State and Federal mandates with inspections of gas piping systems within commercial and multifamily buildings from the point of entry into a building through the custody transfer point (utility owned meter) to the end use equipment. The proposal would have gas piping inspected on a 4 year interval however in collaboration with utility operators; the Foundation has suggested a five year interval for multifamily and commercial buildings in NYC. The recommendation of five years we believe is fundamentally consistent with existing lower risk type corrosion and leak survey requirements in 16 NYCRR 255 and also allows for inspections to be conducted within similar timeframes for other mandate safety inspections in NYC such as that required for sprinkler piping. Conducting these inspections would provide efficiencies and ultimately optimize the cost associated with inspections and reduce consumer inconvenience by limiting the number of appointments needed to perform work. Synchronization of the inspection process where possible will result in maximizing public safety value.

The Foundation continues to work collaboratively with Con Edison, National Grid and NGA in developing supplemental training, qualification programs drug testing programs that meet DOT jurisdictional piping inspection requirements. While DPS appropriately recognized in prior testimony that NYC LMP's are highly skilled and trained professionals, the Foundation also recognizes that there may be some incremental enhancements adopted to existing programs that allow utility operators and LMP's to conduct inspections through the same "lens". As a result, the Foundation will continue to work to develop the appropriate "fit for purpose" enhancements to existing training programs, will further explore and implement appropriate Operator Qualification requirements and drug testing programs for its membership conducting regulatory inspections.

The Foundation is concerned however these supplemental training, qualification and drug testing requirements may be unnecessarily expanded beyond the inspection and reporting process. These requirements would potentially have significant impacts on new construction of piping systems currently under the jurisdiction of NYC DOB and conducted in accordance with all NYC Building Code, State & National Fuel Gas Code. Again, Staff has already acknowledged that deenergized new piping construction within buildings or construction downstream of the utility meter does not require formal Operator Qualification requirements. This work is and should remain the jurisdiction of NYC Building Department.

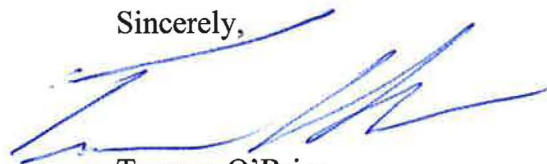
The Plumbing Foundation also supports the use of portable combustible gas detection equipment including the use of state-of-the-art belt clip type atmosphere monitors. The Foundations has been working closely with utility operators to develop a pilot program to explore use of these

devices in day-to-day operations involving gas piping. These devices are equipped with “compliance safety” features that prevent use if not properly calibrated, have data logging capability their calibration monitored from remote locations. This feature allows for eventual monitoring of calibration by utility operators during compliance audits of the utility

With regard to the proposal that LDCs’ plans should include compensation and protocols for drug and alcohol testing of plumbers, The Plumbing Foundation submits that once legislation is enacted within NYC, building owners responsible for complying with the legislation should compensate the plumbers performing the inspections in the normal course of business and the plumbers themselves would build costs for implementing the inspection process including Operator Qualification and drug and alcohol testing programs as part of their business model. This would eliminate the need for utility operators to seek rate relief for inspection of these structures other than any incremental costs associated with utility program compliance administration and monitoring the regulatory inspection and QA/QC processes that proposed. It’s important to emphasize that the proposed NYC legislation includes comprehensive inspection of all accessible gas piping through the outlet of the meter to the appliance or end use equipment. These inspections will help identify abnormal operating conditions, including atmospheric corrosion and leaks, as well substandard conditions under existing DOB requirements and evidence of tampering/theft of service. By strategically performing inspections together with other existing mandated inspections when possible, and coupling both jurisdictional and non-jurisdictional gas piping inspections, the cost to building owners will be optimized while maximizing overall public safety benefit. Furthermore, the increase in business for LMPs will allow them to absorb ramp up costs, including training and establishing a DOT compliant drug testing program.

In conclusion, the Plumbing Foundation is committed to advancing gas safety in NYC. Our highly skilled, trained membership recognizes the need to enhance some training and qualification requirements and has been working collaboratively with NYC utility operators to develop appropriate programs to meet the requirements of the regulatory inspection process. We urge the Commission to support recently introduced legislation in NYC to further advance gas safety in NYC. The unique collaborative approach to maximize public safety value proposed here between LMP’s, DPS, NYC and utility operators is a public safety “game changer”. The Plumbing Foundation is a true partner in gas public safety and believes that the state rule change if properly implemented, coupled with recently introduced gas safety legislation, would result in NYC becoming the benchmark in pipeline safety management and more importantly, maximize protection of the public we all serve.

Sincerely,



Terence O’Brien
Deputy Director

TO/ds