

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
Albany on March 14, 2024

COMMISSIONERS PRESENT:

Rory M. Christian, Chair
Diane X. Burman
James S. Alesi
John B. Howard
David J. Valesky
John B. Maggiore

CASE 24-G-0045 - In the Matter of a Staff Investigation into a
Liquid Natural Gas Incident at the Greenpoint
LNG Facility Occurring on August 17, 2022, in
the Service Territory of The Brooklyn Union Gas
Company d/b/a National Grid NY.

ORDER ADOPTING TERMS OF SETTLEMENT

(Issued and Effective March 15, 2024)

BY THE COMMISSION:

This Order adopts the terms and conditions of a
Settlement Agreement that resolves alleged violations committed
by The Brooklyn Union Gas Company d/b/a National Grid NY
(National Grid) arising out of a natural gas incident in
National Grid's Greenpoint LNG Facility that occurred on
August 17, 2022. The Settlement Agreement, attached to this
Order as Appendix A, has been jointly submitted for our review
and approval by the Office of Investigations and Enforcement
(OIE) and National Grid.

FACTUAL BACKGROUND

On August 17, 2022, at approximately 7:40 a.m.,
National Grid employees were preparing to perform a nitrogen

purge operation on a flare line at the Greenpoint Liquid Natural Gas¹ (LNG) facility in Brooklyn, NY. The purging procedure was being performed on a 200-ft section of pipeline leading up to a vertical flare column; the ultimate purpose of the nitrogen purge procedure was to facilitate a subsequent vaporizer process piping hydrotest.

According to a subsequent investigation by DPS Staff, during the purging process, National Grid employees loosened a metallic spectacle flange in order to install a hydrotest flange. This apparently caused air to be introduced into the flare line, which then mixed with residual natural gas still inside the pipeline. No combination of natural gas and outside air should be inside of the pipeline during the procedure.²

National Grid employees also apparently left the vertical flare column's pilot lights activated during the purging process. An ignition then occurred, leading to an internal explosion and "flashback." The mixture of air and combustible gas in the pipeline led to an energy release on the ground level, emanating from the area of the open flange area.

The New York City Fire Department (FDNY) was called to the scene and the entire Greenpoint LNG facility was evacuated. The explosion produced a plume of smoke that dissipated over time.

The National Grid crew performing the nitrogen purge consisted of a Supervisor, two Mechanics, an Operator, and two

¹ Liquified natural gas (LNG) is natural gas that is cooled to -260°F, thereby greatly reducing the substance's volume for transportation and storage purposes. LNG undergoes a regasification process to be utilized as an energy source. In its liquified and cryogenic state, LNG is non-explosive and non-flammable.

² Natural gas can become combustible when mixed with a certain quantity of air, and then exposed to an ignition source.

independent contractors. During the incident, the Supervisor was apparently dangerously close to the explosion and lost consciousness; he regained consciousness minutes later and sustained minor injuries upon falling to the ground.

The "flashback" incident scorched and discolored the 200-ft pipeline's exterior. A structural analysis was performed subsequently by an outside engineering firm, in conjunction with National Grid engineers. The flare piping was determined not to be structurally damaged. The manufacturer also performed a visual and operational inspection. The flare was tested and eventually cleared for use. Facility damage was relatively minor, with an approximate \$20,000 in associated repairs.

DEPARTMENT INVESTIGATION

The Department's Office of Investigation and Enforcement (OIE) and Office of Energy System Planning and Performance (ESPP) initiated an investigation on August 30, 2022. Department Staff obtained multiple document productions from National Grid regarding the involved LNG facilities and specific National Grid employees. Official copies of National Grid's relevant policies, procedures, and manuals were also requested and reviewed.

On June 20, 2023, OIE Staff conducted a sworn, recorded interview with the National Grid Supervisor on scene (hereinafter "Supervisor 1") at the time of the incident. Supervisor 1 testified that he erroneously had a hand-held gas detection device (Bascom-Turner device) in "monitor" mode instead of "purge" mode when testing the pipeline before the purging operation. The device³ is used to test the pipeline's

³ Customer Meter Services checked the unit and determined it was properly calibrated. The manufacturer also checked the device and determined it was properly calibrated.

gaseous contents during the purging process to ensure that no combustible gas is inside the pipeline.

Supervisor 1 admitted to OIE Staff during the interview that he was never trained to use "purge" mode on the gas detection device. Additionally, documents relating to a National Grid internal investigation, obtained and analyzed by OIE Staff, concluded that Supervisor 1 improperly used the gas detection device right before the "flashback" occurred.

National Grid's own policy, "GPTP04-19: Isolation and Purging the Warm Flare System," requires that this specific gas detection device be set to "purge" mode during all purging procedures.⁴ ESPP Staff allege that this apparent error, as confirmed in Supervisor 1's testimony and corroborated by internal National Grid documents, likely caused the gas detection device to ignore the low amounts of combustible gas still remaining in the pipeline, thereby giving a false "zero" reading.

During his testimony, Supervisor 1 also acknowledged that he left the vertical flare column in service on the day in question, and that he did not obtain management approval before initiating the purge. Supervisor 1 testified that he had just been promoted to Supervisor two weeks before the August 17, 2022 incident. Supervisor 1 and the other National Grid employees apparently allowed the vertical flare column and pilot lights to be activated during the purging procedure, thus leaving a potential source of ignition in play during the purging procedure.

ESPP Staff have obtained National Grid Procedures "OM02 US LNG Policy - Isolation and Purging Rev 2.0" and "GPTP04-19: Isolation and Purging the Warm Flare System," which

⁴ GPTP04-19: Isolation and Purging the Warm Flare System, pp. 4-5.

mandate that operators should "verify the flare is extinguished and pilots are out" during the purging process.⁵ However, during his testimony, Supervisor 1 stated that he did not believe National Grid Policy GPTP 04-19 applied to the purging procedure performed on August 17, 2022. When asked by OIE Investigators which National Grid policy applied to the purge operation in question, he could not cite to any specific codified procedure. Supervisor 1 also testified that he was not familiar with National Grid's "OM02 US LNG Policy - Isolation and Purging Rev 2.0" at the time of the incident.

ESPP Staff also examined other National Grid codified procedures and discovered that "Tagging Order TO-GRPT-CH-100637," used on August 17, 2022, apparently did not include the necessary safety steps for isolating the flare system, nor did it include steps to verify the vertical flare and pilots were extinguished. ESPP Staff alleges that the incorporation of these steps would have likely prevented the flashback from occurring.

Additionally, ESPP Staff has holistically analyzed the previously mentioned National Grid policies GPTP 04-19, OM02 US LNG Policy, in addition to "GP-05-24: General Purge Guidelines within LNG Plant," and alleges that National Grid's policies and procedures were inadequate for the technical purge that was performed on August 17, 2022. DPS Staff contended that National Grid apparently failed to develop a sufficiently detailed procedure for this specific isolation/purging project.

DPS Staff identified five apparent violations operational control and training regulations. Pursuant to the provisions of PSL §25-a(3), this enforcement case has a maximum

⁵ GPTP04-19: Isolation and Purging the Warm Flare System, p. 1; see also OM02 US LNG Policy - Isolation and Purging Rev 2.0, p. 1.

civil penalty valuation of \$1,968,385.⁶ National Grid and DPS Staff engaged in settlement discussions, and they recently negotiated a settlement agreement that is before us for our review today.

LEGAL AUTHORITY

PSL §65(1) requires that utilities provide "service, as shall be safe and adequate and in all respects just and reasonable." PSL §66(2) empowers the Commission to hold utilities to this obligation, by vesting the Commission with the authority to investigate utilities and their performance, as well as to order utilities to make reasonable improvements that are in the public interest.

The Commission has significant regulatory authority to ensure that utilities meet their obligations to provide safe, adequate, and reliable service. As the Public Service Law makes clear, "[e]very combination gas and electric corporation ... shall adhere to every provision of this chapter and every order or regulation adopted under authority of this chapter[.]"⁷

Pursuant to New York Codes, Rules, and Regulations (NYCRR), Title 16, Section 259.2, "[a]ll LNG facilities within the State of New York shall, except as otherwise provided in this Part, conform to title 49, Code of Federal Regulations, Part 193, Liquefied Natural Gas Facilities; Federal Safety Standards." Therefore, the requirements and strictures relating to Liquid Natural Gas contained in the Code of Federal Regulations (CFR) are incorporated by reference into New York State's regulatory regime. Furthermore, the CFR also

⁶ Each violation of PSL §25-a(3) has a maximum value of \$393,677, which is based on the entity's intrastate operating revenue for the fiscal year in question.

⁷ PSL §25-a(1); see also PSL §25(1).

incorporates the entirety of the American Gas Association's industry safety standards contained in the "Purging Principles and Practice" manual.⁸

PSL §25-a(3) and (4) authorize the Commission to commence an administrative penalty proceeding against a combination gas and electric corporation. In determining the amount of any penalty to be assessed, the Commission considers multiple factors, including: (i) the seriousness of the violation for which a penalty is sought; (ii) the nature and extent of any previous violations for which penalties have been assessed against the corporation or officer; (iii) whether there was knowledge of the violation; (iv) the gross revenues and financial status of the corporation; and (v) such other factors as the commission may deem appropriate and relevant.⁹

Under PSL §25-a(3), the Commission may assess a civil penalty not exceeding the greater of \$100,000 or "two one-hundredths of one percent of the annual intrastate gross operating revenue of the corporation[.]"¹⁰ Any such penalties are not recoverable from ratepayers¹¹ and if not remitted in a timely fashion, counsel to the Commission may bring a special proceeding in a court of competent jurisdiction to collect.¹²

Pursuant to PSL §25-a(7), an administrative penalty proceeding may be discontinued through a compromise, and "all

⁸ See 49 CFR 193.2517; 49 CFR 193.2013(b)(1); see also American Gas Association, "Purging Principles and Practices," 3rd edition, June 2001.

⁹ PSL §25-a(2). The Commission and DPS Staff also may pursue other enforcement, penalty, or regulatory options. See, e.g., PSL §§25, 26.

¹⁰ PSL §25-a(4)(i). According to Staff, under PSL §25-a, the maximum financial penalty for the five apparent violations would be approximately \$ 1,968,000.

¹¹ PSL §25-a(9).

¹² PSL §25-a(8).

moneys recovered pursuant to this section, together with the costs thereof, shall be remitted to, or for the benefit of, the ratepayers in a manner to be determined by the Commission."

SUMMARY OF THE SETTLEMENT AGREEMENT

Under the terms of the Settlement Agreement, National Grid and OIE Staff have agreed to resolve all alleged violations arising out of a natural gas incident at National Grid's Greenpoint LNG Facility on August 17, 2022. As part of the settlement, National Grid shareholders have agreed to pay \$1,700,000.00. Pursuant to PSL §25-a(7), National Grid will credit gas customers \$1,700,000.00 in an interest-bearing regulatory deferred liability account funded at National Grid shareholder expense; the funds shall be used for enhancing physical plant safety, including equipment upgrades, safety training programs, and updating National Grid policies regarding plant safety, or a combination thereof, at the Greenpoint LNG Facility. Under the Settlement Agreement, the settlements funds here will be paid by National Grid shareholders, not National Grid ratepayers or customers.

DISCUSSION AND CONCLUSION

In reviewing proposed Settlement Agreements, the Commission looks to ensure that the agreement's terms are in the public interest. A compromise should be consistent with the environmental, social, safety, consumer, economic, and legal policies of the Commission and the State. Also, it should produce results that are within the range of reasonable results that would have likely arisen from a Commission decision in a litigated proceeding. A settlement agreement likewise should endeavor to balance interests of ratepayers, shareholders, and

public safety consistent with the applicable legal framework.¹³

Here, the Commission finds that the Settlement Agreement is in the public interest. The Commission holds that the proposed Settlement Agreement provides National Grid ratepayers with a substantial financial benefit in connection with the resolution of the alleged violations referenced above. The agreement will encourage and incent utilities to ensure they operate their facilities in a safe manner and underscores the priority the Commission places on utilities' safe operation of their plant and equipment. The Settlement Agreement also represents an equitable and fair compromise between the parties and is consistent with the environmental, social, and economic policies of the Commission. The Commission finds that the Settlement Agreement's terms and conditions are within the range of reasonable outcomes that could be expected after a fully litigated proceeding and provide a benefit to ratepayers consistent with applicable provisions of PSL §§25, 25-a, and 26. For the reasons discussed above in this Order, the Commission approves the terms of the proposed Settlement Agreement. Therefore, the Commission concludes that the Settlement Agreement is hereby adopted.

The Commission orders:

1. The terms of the Settlement Agreement, which is attached to this Order as Appendix A, are adopted.

2. The Brooklyn Union Gas Company d/b/a National Grid NY shall confirm, via a written submission signed by a

¹³ These public interest inquiries are consistent with the considerations noted in, for example, Cases 90-M-0255, et al., Procedures for Settlements and Stipulation Agreements, Opinion 92-2 (issued March 24, 1992).

chief corporate officer with responsibility for financial and accounting matters or a New York licensed attorney, to the Secretary in this proceeding filed within 21 days of the issuance of this Order, that the company has created and funded an account in the amount of \$1,700,000 consistent with the terms of the Settlement Agreement and this Order.

3. The Brooklyn Union Gas Company d/b/a National Grid NY shall submit a written report, signed by such a corporate officer or attorney, to the Secretary in this proceeding within 12 months of the issuance of this Order describing and confirming the delivery of benefits to ratepayers consistent with the terms of this Order and the Settlement Agreement.

4. In the Secretary's sole discretion, the deadlines set forth in this Order may be extended. Any request for an extension must be in writing, must include a justification for the extension, and must be filed at least three days prior to the affected deadline.

5. This proceeding is continued.

By the Commission,

(SIGNED)

MICHELLE L. PHILLIPS
Secretary

APPENDIX A

Settlement Agreement

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

24-G-0045: Proceeding on Motion of the Commission Regarding a Staff Investigation into a Liquid Natural Gas Incident at the Greenpoint LNG Facility Occurring on August 17, 2022, in the Service Territory of The Brooklyn Union Gas Company d/b/a National Grid NY.

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is by and between the New York State Department of Public Service (“DPS” or “DPS Staff”) and The Brooklyn Union Gas Company d/b/a National Grid NY (“National Grid” or “the Company”) (each individually a “Signatory Party” and collectively, the “Signatory Parties”). This Agreement resolves pending alleged violations identified in a DPS notice and related to a natural gas incident at the Greenpoint Liquid Natural Gas (“LNG”) Facility involving a localized flash event on a segment of piping that occurred while installing and testing a new valve on August 17, 2022.

RECITALS

WHEREAS, DPS Staff and DPS Office of Investigations and Enforcement have conducted an investigation into a natural gas incident that occurred at National Grid’s Greenpoint LNG Facility on August 17, 2022 in Brooklyn, New York;

WHEREAS, the New York Codes, Rules, and Regulations (NYCRR), Title 16, Section 259.2, mandate that “[a]ll LNG facilities within the State of New York shall, except as otherwise provided in this Part, conform to title 49, Code of Federal Regulations, Part 193, Liquefied Natural Gas Facilities; Federal Safety Standards.” Therefore, the requirements and strictures relating to Liquid Natural Gas contained in the Code of Federal Regulations (CFR) are incorporated by reference into New York State’s regulatory regime. The CFR also incorporates the entirety of the American Gas Association’s industry safety standards contained in the “Purging Principles and Practice” manual. 9 CFR 193.2517; 49 CFR 193.2013(b)(1).

WHEREAS, DPS Staff and DPS Office of Investigations and Enforcement have alleged that National Grid committed five (5) violations of 16 NYCRR 259.2 - Compliance with standard code, which are set forth below:

1. Apparent Violation of 16 NYCRR 259.2 - Compliance with standard code / 49 CFR § 193.2503 - Operating procedures

- a. **Regulation:** “Each operator shall follow one or more manuals of written procedures to provide safety in normal operation and in responding to an abnormal operation that would affect safety. The procedures must include

provisions for: (d) Purging and inerting components according to the requirements of § 193.2517.” [49 CFR § 193.2503 - Operating procedures]

- b. **Alleged Violation:** National Grid did not follow National Grid Procedures “OM02 US LNG Policy – Isolation and Purging Rev 2.0” and “GPTP04-19: Isolation and Purging the Warm Flare System.”

2. **Apparent Violation of 16 NYCRR 259.2 - Compliance with standard code / 49 CFR § 193.2503 - Operating procedures**

- a. **Regulation:** “Each operator shall follow one or more manuals of written procedures to provide safety in normal operation and in responding to an abnormal operation that would affect safety. The procedures must include provisions for: (d) Purging and inerting components according to the requirements of § 193.2517.” [49 CFR § 193.2503 - Operating procedures]
- b. **Alleged Violation:** National Grid did not follow National Grid Policy “GPTP 04-19” when using the Bascom-Turner RGA-411 Gas/CO/Oxygen detector used on August 17, 2022.

3. **Apparent Violation of 16 NYCRR 259.2 - Compliance with standard code / 49 CFR § 193.2503 - Operating procedures**

- a. **Regulation:** “Each operator shall follow one or more manuals of written procedures to provide safety in normal operation and in responding to an abnormal operation that would affect safety. The procedures must include provisions for: (d) Purging and inerting components according to the requirements of § 193.2517.” [49 CFR § 193.2503 - Operating procedures]
- b. **Alleged Violation:** National Grid Tagging Order TO-GRPT-CH-100637, used on August 17, 2022, did not include the necessary steps for isolating the flare system, nor did it include steps to verify the flare and pilots were extinguished.

4. **Apparent Violation of 16 NYCRR 259.2 - Compliance with standard code / 49 CFR § 193.2517 - Purging**

- a. **Regulation:** “When necessary for safety, components that could accumulate significant amounts of combustible mixtures must be purged in accordance with a procedure which meets the provisions of the ‘Purging Principles and Practices (incorporated by reference, see § 193.2013)’ after being taken out of service and before being returned to service.” [49 CFR § 193.2517 - Purging]
- b. **Alleged Violation:** National Grid failed to develop a sufficiently detailed purging

procedure for this specific isolation/purging project in question.

5. Apparent Violation of 16 NYCRR 259.2 - Compliance with standard code / 49 CFR § 193.2713(a) - Training: operations and maintenance

- a. **Regulation:** “Each operator shall provide and implement a written plan of initial training to instruct [a]ll operating and appropriate supervisory personnel [t]o understand detailed instructions on the facility operations, including controls, functions, and operating procedures[.]” [49 CFR § 193.2713(a) - Training: operations and maintenance]
- b. **Alleged Violation:** National Grid failed to implement a sufficient written training plan for the individual involved the purging process.

WHEREAS, DPS Office of Investigations and Enforcement contends that it has reasonable cause and a factual basis to bring an enforcement proceeding, under the New York State Public Service Law and associated regulations, regarding the above alleged violations;

WHEREAS, National Grid has denied liability in response to these allegations, and among other things, it contends that it acted reasonably to ensure safe and reliable service;

WHEREAS, the Signatory Parties have been engaged in settlement discussions;

WHEREAS, the Signatory Parties agree that National Grid will pay a Settlement Amount of One Million Seven Hundred Thousand Dollars (\$1,700,000.00) (also referred to as the Settlement Funds), subject to the enumerated terms and conditions of this Agreement;

WHEREAS, the Signatory Parties agree that this Agreement resolves any and all alleged violations arising out of, or in relation to, a natural gas incident taking place at National Grid’s Greenpoint LNG Facility on August 17, 2022 in Brooklyn, New York;

WHEREAS, the Signatory Parties recognize that this Agreement is subject to approval by the New York State Public Service Commission (Commission);

NOW, THEREFORE, in consideration of the mutual covenants, promises, agreements, and representations set forth herein, the receipt and sufficiency of which are hereby agreed to and acknowledged, the Signatory Parties, intending to be bound, agree as follows:

1. Settlement Consideration

- a. Settlement Funds:
 - i. National Grid will credit gas customers \$1,700,000.00 in a separate, auditable, interest-bearing regulatory deferred liability account funded at National Grid shareholder expense, with interest to be applied at the pre-

tax rate of return.

- ii. National Grid shall not assess the aforementioned Settlement Amount and Settlement Funds on National Grid's ratepayers.
- iii. The Settlement Funds shall be used to improve the operational safety of the Greenpoint LNG Facility, including, but not limited to:
 - 1. Physical plant and equipment enhancements,
 - 2. Safety training programs for LNG Facility operators/supervisors, and
 - 3. Updating National Grid policies and procedures regarding plant safety.

2. Release From Actions

- a. Resolution of Settled Matters: This Agreement fully and finally resolves all issues, concerns, claims, and actions raised and/or asserted, or that could properly have been raised and/or asserted, in connection with the facts and allegations at issue in Case 24-G-0045 and arising out of the natural gas incident taking place inside of National Grid's Greenpoint Liquid Natural Gas (LNG) Facility on August 17, 2022 in Brooklyn, New York ("Settled Matters"). Further, upon Commission approval as described in Paragraph 6 herein, the investigative examinations initiated by the Department regarding the August 17, 2022 incident shall be deemed complete and resolved.
- b. Non-Settled Matters: This Agreement does not resolve or address any issues, concerns, claims, or actions outside the scope of the natural gas incident that occurred at National Grid's Greenpoint LNG Facility on August 17, 2022 in Brooklyn, New York.
- c. Waiver: Subject to Commission approval of this Agreement, DPS and the Commission fully and finally waive and relinquish any right to seek penalties or any other remedy at law or equity from National Grid, its directors, officers, employees, agents, shareholders, or affiliates arising out of or related to the Settled Matters.
- d. Prohibition on Actions: Subject to Commission approval of this Agreement, neither DPS nor the Commission will institute or cause to be instituted against National Grid, its directors, officers, employees, agents, shareholders, or affiliates any action under the Public Service Law, or under any other statute, regulation, or Commission order, directly or indirectly related to the Settled Matters.
- e. No Third-Party Actions: Subject to Commission approval of this Agreement, the Commission will not entertain a request by another person or entity seeking penalties or other administrative remedies against National Grid that is directly or indirectly related to the Settled Matters.

f. Voluntary Settlement: This Agreement has been entered into voluntarily by the Parties. The Parties have determined the Agreement constitutes a fair and reasonable resolution of all outstanding issues relating to Case 24-G-0045 and avoids litigation. This Agreement is not and should in no way be construed as a Commission finding or an admission of a violation of any law or regulation or order by the Company, its directors, officer, employees, agents, shareholders, and parent or affiliate companies, or a Commission finding or an admission by the Company that the underlying events occurring on August 17, 2022 are amenable to suit or a penalty action under Sections 24 and 25 of the Public Service Law, or a penalty action under Section 25-a of the Public Service Law, or pursuant to the Commission's prudence disallowance authority.

4. Governing Law

This Agreement and the rights and obligations of the Parties shall be governed by and construed in accordance with the laws of the State of New York without regard to the principles of conflicts of laws thereof.

5. Authorization

The execution, delivery and performance of this Agreement by each Signatory Party hereto is within its corporate or statutory powers, as appropriate, has been duly authorized by all necessary corporate or statutory action, and does not and will not: (i) require any governing or governmental consent or approval except as required in Paragraph six below, (ii) contravene its organizational documents or enabling legislation, or (iii) violate applicable law.

6. Effectiveness of the Agreement

a. This Settlement is subject to ratification or approval by the Commission and will have no effect in the absence thereof. If the Commission does not approve this Agreement in its entirety, without modification, National Grid may withdraw its acceptance of this Agreement by serving written notice on the Commission and shall be free to pursue its position without prejudice; to be effective, such notice must be filed within 7 days after issuance of such Commission action. If the Commission approves this Agreement or modifies it in a manner acceptable to National Grid, the parties intend that this Agreement thereafter be implemented in accordance with its terms. The Commission order approving this Settlement is enforceable under the Public Service Law to ensure National Grid complies with its agreements herein.

b. In the event of any disagreement over the interpretation of this Agreement or implementation of any of the provisions of this Agreement, which cannot be resolved informally among the Parties, such disagreement shall be resolved in the following manner: (i) the Parties shall promptly convene a conference and in good faith attempt to resolve any such disagreement and/or request the assistance of the Commission's Office of Alternative Dispute Resolution for mediation or other appropriate process; and (ii) if any such disagreement cannot be resolved by the Parties or alternative process, any Party may petition the Commission for resolution of the disputed matter.

c. Further, the Parties recommend that the Commission authorize the Commission Secretary, in the Secretary's sole discretion, to extend any deadlines set forth in this Agreement.

7. Confirmation of Compliance

National Grid shall make a written submission in the docket of this case affirmatively representing and confirming that it has established and funded an account (described in paragraph 1 above) within 14 days of a Commission order (described on paragraph 6 above). Such submission shall be verified by an attorney licensed to practice in New York or a chief executive officer responsible for financial affairs and accounting.

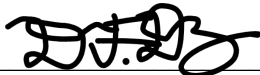
8. Counterparts

This Settlement is being executed in counterpart originals and will be binding on each Signatory Party when the counterparts have been executed.

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IN WITNESS WHEREOF, each of the Signatory Parties hereto has executed this Agreement as of the day and year written below.

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

By:  Date: Feb. 28, 2024

Name: Dennis F. DiBari, Esq.

Title: Managing Attorney
Office of Investigations and Enforcement

THE BROOKLYN UNION GAS COMPANY D/B/A NATIONAL GRID NY

By:  Date: February 28, 2024

Name: Philip DeCicco

Title: New York General Counsel