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2950

July 16, 2012

Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg PA 17105-3265

Re: Docket Number: 2009-2107155

To whom it may concern:

I am writing to offer comments on Proposed Rulemakings Docket L-2009-2107155 Meter Locations.

I am a resident of Center City Allentown, having lived in the Old Allentown Historic District since 2006. I have been the owner of 227 North 9th Street since December of 2007. By way of background, I have extensive experience in municipal planning, code enforcement and public work projects. I have professional experience in redevelopment organizations, legislative offices and community revitalization. At PUC's request, I would have been happy to provide more information.

I am particularly concerned about the effects of the proposed rulemaking docket and offer a number of specific personal experiences in addition to an observation about the potential impact of the proposed rules. What is most troubling is that local government will not be capable of ensuring public safety in light of these proposed rule changes. At best they are given vague language that they might be able to use to offer public protections. In all likelihood, local government will be left with no recourse and be entirely at the mercy of utility companies to interpret the rules as they see fit. Unlike instances of building codes, where the local government must accept responsibility for enforcing the PA Uniform Construction Code, local government's ability to ensure public safety through appropriate placement of meters and regulators is compromised. That these rule changes continue to undermine local government's ability to ensure public safety is simply unacceptable in light of incidents that have occurred in Allentown as a result of poor oversight and controls.

If the gas explosion of February 5, 2011 teaches us anything, it is that leaving matters unclear is a recipe for disaster. The Pennsylvania Utility Commission has the opportunity to provide local government greater clarity in the powers it can exercise in determining how to ensure public safety and provide private property owners with assurance that they can better protect themselves from risk and liability. In addition to this clarity, the PUC has the opportunity to clearly and emphatically state that utilities must offer the highest quality workmanship, bare responsibility for service connections and be held accountable for their business practices.

As a final point, PUC's decision making process on this matter should include a site visit to 800-900 block of West Chew Street. A walk down the street would reveal a very troubling situation that threatens to undermine public safety.

Your attention to this matter is greatly appreciated.

Sincerely,



Geoffrey Brace

Personal Experience

On May 7, 2012, my wife and I returned home at the end of the day to find construction markings (a yellow spray painted rectangle) in our driveway at the rear of 227 North 9th Street, Allentown PA 18102 (Henceforth, "Home"). The driveway is accessible via North Nagle Street and abuts 230 North Nagle Street to the north and 225 North 9th Street to the South. We were uncertain of the nature of the markings but noted excavation work had been done during the day. These markings concerned us. We posted a sign that read "Do Not Dig on 227 N 9th. To whom it may concern, you do not have permission to dig on 227 N 9th street's parcel. Prior to digging, you must call 484-639-1860. Legal action will be taken." The sign was posted within the construction marketing. A picture was taken noting its posting.

The Morning of May 8, 2012, I contacted the City of Allentown Planning Office, speaking specifically to Mr. Mark Hartney about the markings. I asked Mr. Hartney if the markings were under permit. He researched and confirmed a permit was issued by City of Allentown for work at 230 North Nagle Street and the subsequent properties to the North. The work included work to be done in the street. He noted that the permit did NOT include work to be done at the rear of 227 N 9th Street. The contractor employed by UGI contacted me shortly after 9 AM of May 7, 2012. He confirmed nobody would dig at my property without written permission. He also stated that his crew was unaware that the location marked was 227 North 9th Street. He assumed it was 230 North Nagle Street. The intention was to locate the service connection for 230 North Nagle Street in my driveway, digging into my driveway to run the necessary utilities into 230 North Nagle Street.

I offer this specific experience with a number of concerning observations.

1. UGI's contractor was prepared to dig on a property where they were not permitted by the City of Allentown to dig. The contractor was not even aware of parcel lines.
2. Had the contractor proceeded as planned, the contractor would have struck the sanitary sewer line at 227 North 9th Street. This would have happened because the PA One Call request for the permit did not state any work to be performed at 227 North 9th Street. If it had, the PA One Call would have noted that service connection through the rear of the property to North Nagle Street. This matter is concerning because the City of Allentown appears to be very thorough in extending permits through the Engineering Department. Even with this valuable check in place, an unnecessary and unfortunate incident would have occurred.
3. The proposed placement of the regulator would have been at a location with no curbing and no obstacle to ensure protection from a vehicle that would have struck it. In fact, the final placement of the regulator is within the alley of North Nagle Street. The protection placed is not only inadequate but it encroaches in the alley and presents and added public safety risk by not offering to damage vehicles.
4. My professional experience is likely what prevented the contractor from making this error. Because the contractor did not disclose the full and true nature of the work in the permit application to the City of Allentown, the only other check in place to monitor this work was anybody paying attention to the work underway. Most people do not have the experience I have. My wife was not particularly concerned. If this was another property owner, the likely outcome would have been very different. That outcome would have included a violation of private property rights by UGI's contractor. This is a very real and concrete example of how lack of clarity in PUC's rules can leave a private property owner and the local government with unwanted situations and no recourse.

Accident Waiting to Happen

Referencing article titled: Pickup Truck Crashes into Allentown House (7/6/2012). The article offers a shadow of concerns I have about the specific proposed rule changes. The article describes a vehicle that crash into an Allentown home. The article includes a picture that is very telling. This stretch of Walnut street has well-constructed curbs. The curbs are in far better shape than many of the curbs throughout Allentown. Many curbs throughout Allentown are lower and provide only an inch or two of height, certainly easy enough for an out of control vehicle to traverse over the curb and onto the sidewalk. I also note that this sidewalk is wider than many of the sidewalks in center city Allentown. In spite of all of these barriers, the pickup truck still managed to traverse over the curb, across the sidewalk and cause enough damage the house it hit and the two adjoining properties. This occurred after hitting a parking meter and a basement railing. Had a gas regulator and meter been present on the front of the house, there would have been cause for alarm.

Comments from the Old Allentown Preservation Association offer photos of the 800 and 900 Block of West Chew Street that show the sidewalks to be narrower and the conditions of the curbs. Placement of the regulators in the public right of way as depicted creates a very distinct public safety risk. The proposed rulemaking presents the very likely prospect that previous accidents like the one depicted in the Morning Call article will become unnecessary tragedies. The placement of regulators in narrow public rights of way is a public safety risk. Moreover, the City of Allentown has no recourse to manage this public safety risk. Furthermore, the private property owner will bear the responsibility and the cost of this risk as insurance policies will recognize the increased risk and increase premiums accordingly (Note: the private property owner assumes responsibility for the condition of the sidewalks and all items that project off of the property and into the public right of way). The fact that the property owner has no method by which he/she can elect to accept that risk is a violation of fundamental private property rights.

That a proposed rulemaking action presents a public safety risk in the public right of way and exposes the private property owner to increased liability and risk is reason enough for the PUC to ensure greater safeguards.

Importance of Getting it Right

An article dated July 3, 2012: "UGI says it's not to blame for Allentown blast." In the article, UGI responds to PUC investigation that accuses UGI of multiple safety violations. The article points to state and federal rules, which UGI says it followed (PUC apparently disagrees). The article also points to "vague federal rules" later in the article. This begs a central point when trying to resolve safety issues: why leave safety matters to chance. Enact safeguards that do not leave rules open to chance. The Old Allentown Preservation Association points out where rules are not clear and need to be clarified. PUC's attention to those details would help to ensure that utility providers cannot simply do what they interpret to be proper. PUC's guidance is critical for public safety.

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UGI says it's not to blame for Allentown blast

The Pennsylvania Public Utility Commission filed a complaint against the utility last month

July 03, 2012 | By Scott Kraus, Of The Morning Call

UGI said investigators erred in identifying the cast-iron pipe involved in the explosion as being recommended for replacement in 1979. The pipe recommended for replacement was different from the segment involved in the blast and was replaced in March 1980, the utility said.

The company also said its cast-iron replacement program, which calls for cast-iron pipes to be replaced in 20 years based on a priority system, was accepted by federal regulators in 1997.

In their complaint, PUC investigators also faulted UGI's emergency response, pointing out that the company took five hours to diminish the flow of gas to the area because of a lack of valves in its low-pressure distribution system.

But UGI argued in its complaint that such valves are not required and that its response to the blast was "timely and prudent" and in compliance with state and federal laws, but was limited by the explosion itself and the city's emergency response.

"The site was quite dangerous, and thus UGI's response activities were restricted due to several critical conditions that limited access to the site," the company said. Those conditions included the initial safety perimeter, positioning of firetrucks, smoke and flames, ice and frost cover, downed power lines and debris.

In addition to the fine, the PUC investigators recommended that UGI be ordered to:

Improve monitoring of gas odorant levels throughout its distribution system.

Survey and protect or replace pipes that have a leakage history, corrosion, evidence of unstable soil or are subject to vibrations from heavy vehicles such as trucks and buses.

Replace all cast-iron pipe within 10 years and bare steel pipe within 13 years.

UGI attorneys said the utility has already taken steps to enhance safety and reliability, including conducting more frequent leak surveys. The utility has pledged to replace all of its cast-iron pipes within 20 years.

"The request that UGI be required to replace its entire cast-iron pipeline within 10 years is not reasonably practicable due to constraints on resources and road systems," the utility contends.

"I am concerned that UGI disputes these findings and plan to address this with them when I meet with their officials next week," U.S. Sen. Bob Casey, D-Pa., said in a statement issued Tuesday. "A 20-year timeline of replacement is unacceptable. UGI needs to work with PUC on a faster rate of replacement for these cast-iron and bare steel pipelines."

Allentown Mayor Ed Pawlowski said in a prepared statement that aging cast-iron pipelines are a threat to municipalities throughout the Lehigh Valley and must be replaced quickly.

"We want UGI, the PUC and, if necessary, an administrative law judge to make determinations that do everything possible to reduce the risk of another natural gas explosion," he said. "As I have said on numerous occasions, this is the one thing that keeps me up at night."

In its statement, UGI said it will "work with the PUC and its staff to fully and carefully evaluate the incident and to enhance its distribution system to ensure that it provides safe and reliable natural gas service."

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UGI says it's not to blame for Allentown blast

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The Pennsylvania Public Utility Commission filed a complaint against the utility last month

July 03, 2012 | By Scott Kraus, Of The Morning Call

UGI Utilities says it does not deserve the blame for a devastating February 2011 natural gas explosion that killed five people in Allentown.

In a strongly worded 47-page response to state regulators late Monday, the Reading-based company said it "understands it is responsible for providing safe and reliable service" but disputed nearly every count of a complaint filed last month by Pennsylvania Public Utility Commission investigators.

UGI said it had no warning that an 83-year-old cast-iron distribution line buried beneath Allen Street would fail, is confident that the gas in the pipeline was adequately odorized, and responded quickly to the explosion in compliance with state and federal regulations.

And the utility said regulators' request that the commission order UGI to replace all of its cast-iron pipelines within 10 years is unrealistic.

"UGI is compelled to deny many of the factual and legal conclusions set forth in the complaint," company attorneys wrote.

"UGI respectfully submits that allegations in the complaint fail to support a finding that UGI has violated applicable federal and state regulations."

The company's response sends the matter to an administrative law judge who will hold public hearings if UGI and PUC investigators fail to reach a settlement. A PUC spokeswoman said the commission does not comment on ongoing complaint proceedings.

On June 11, PUC investigators accused UGI of multiple safety violations in connection with the fatal gas explosion at 13th and Allen streets, recommending a series of corrective actions and the maximum \$386,000 fine.

The PUC's investigative report blamed the explosion on a gas leak emanating from a crack in a cast-iron gas distribution line on Allen Street. A crack formed on a portion of the pipe that was supported by wooden blocks, which accelerated its corrosion. UGI did not dispute that conclusion, but said the use of wooden blocks was commonplace in 1928 when the pipe was installed.

The late-night gas explosion at 542 and 544 N. 13th St. flattened those two homes and six others. It killed William Hall, 79, and his wife, Beatrice, 74; Ofelia A. Ben, 69; her granddaughter Katherine Cruz, 16; and Cruz's 4-month-old son, Matthew Vega.

One of the investigators' main allegations was that UGI did not adequately monitor the level of odorant in the natural gas it sells to its customers in Allentown, including in the area of the explosion. Odorant-level deficiencies make up 156 of the 179 counts the PUC lodged against the utility.

Natural gas itself is odorless, but gas companies add a chemical called mercaptan to give it that familiar rotten egg smell to help customers detect leaks. The PUC accused UGI of conducting weekly odorant testing at only one point in the city — where gas enters its Allentown distribution system.

No one on the block reported a gas odor in the hours leading up to the blast.

In its response to the PUC, UGI admitted that at the time of the blast it had tested odorant levels in its Allentown low-pressure distribution system only at one location — its Second and Union streets plant. But UGI said it complied with state and federal rules, which do not prescribe where odorant testing must take place.

The company said it plans to begin testing odorant levels at multiple and random locations throughout the city "over the remainder of the current calendar year ... consistent with industry best practice."

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Asked Tuesday if that means UGI was not using industry best practices at the time of the explosion, UGI spokesman Joe Swope said the changes are an "enhancement" and that odorant testing was in compliance with state and federal regulations at all times.

Pennsylvania relies on vague federal rules that require utilities to ensure odorant is at a level that can be detected by a person with a normal sense of smell before gas reaches a dangerous concentration.

The company said there is no evidence that odorant levels in the area of the blast were low. UGI said it responded to residential gas odor complaints in surrounding neighborhoods on the days before and after the blast, indicating sufficient odor levels.

"There was sufficient natural gas odorant in UGI's distribution system at the time of the incident," the company argued in its brief. "UGI is unaware of any evidence to indicate odorant fade occurred at the incident site or elsewhere."

In a statement, the utility also disputed investigators' contention that it ignored a variety of warning signs that the 12-inch cast-iron gas main implicated in the blast was vulnerable to a leak, and asserted that its pipeline-monitoring efforts were adequate and in compliance with the law.

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Pickup truck crashes into Allentown house: 'Is this what you wanted?'

Comments 3



A pickup truck sits stuck in a basement stairwell at 1035 W. Walnut St., Allentown, after it crashed at 4:59 p.m. Friday. The driver was bloodied in the accident and was arrested after he fled, police said. (Frank Warner, The Morning Call / July 6, 2012)

By Frank Warner, Of The Morning Call
7:38 P.M. EDT, JULY 6, 2012
A pickup truck crashed into an Allentown rowhouse Friday afternoon, and the bloodied driver fled on foot with a woman chasing him, a witness said.

TOPICS

- Motorvehicle Accidents
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MAPS

- 1035 W Walnut St, Allentown, PA 18102, USA

Avelino Cortez, 45, of Allentown, the driver, was arrested a short time later, city police Capt. Keith Morris said.

The pickup turned left from S. 11th Street to go east on W. Walnut Street just before 5 p.m. and, after swerving to miss an oncoming car, it suddenly whipped to the left and into the brick house at 1035 Walnut St., said Carrie Seagreaves of Allentown.

After he failed to back out the damaged pickup, the driver got out and yelled angrily to a woman who had been running after the pickup before it crashed, Seagreaves said.

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"Is this what you wanted? Is this what you wanted?" he called to the woman, Seagreaves said. "He had blood all over his face. I never saw anything like it. He ran off [toward 10th Street] and the woman followed him."

Cortez left behind a pickup truck with a badly damaged front end and a shattered windshield, police said.

Next to the pickup was a bent parking meter. At the front was the twisted railing to a basement stairwell, where the

pickup's left front wheel was firmly stuck.

Neighbors watched from their porches as city police sealed off the block and called in a tow truck.

The crash caused minor structural damage to the attached homes at 1035 and 1033 Walnut St., Morris said, adding that both homes remained structurally sound.

Using witness descriptions, officers spotted Cortez as he walked past the police patrol station at 1005 W. Hamilton St. and took him into custody, Morris said.

Cortez was taken to [Lehigh Valley Hospital-Cedar Crest](#) for treatment of his facial cuts and other wounds, Morris said. The accident remains under investigation, he said Friday evening.

Seagreaves said she witnessed the accident as she drove her two children home from the Allentown Public Library. She said she was eastbound on Walnut Street when the pickup turned in front of her and ran into the house.

-- [Frank Warner](#)

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Key2626 at 12:15 AM July 08, 2012

Lets put more gas meters in front of homes so they can get damaged by car accidents.

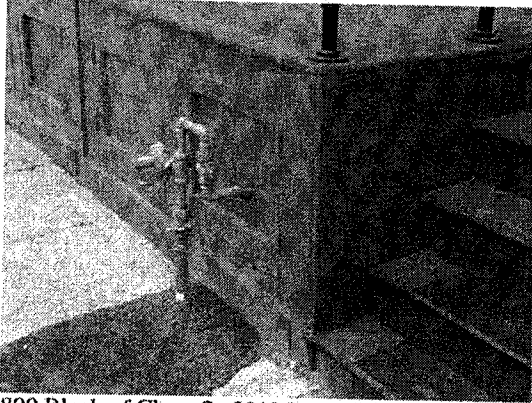
amazed8 at 10:38 AM July 07, 2012

Ah, Cortez, another fine outstanding American citizen, most likely a Pennsylvania Dutch person.

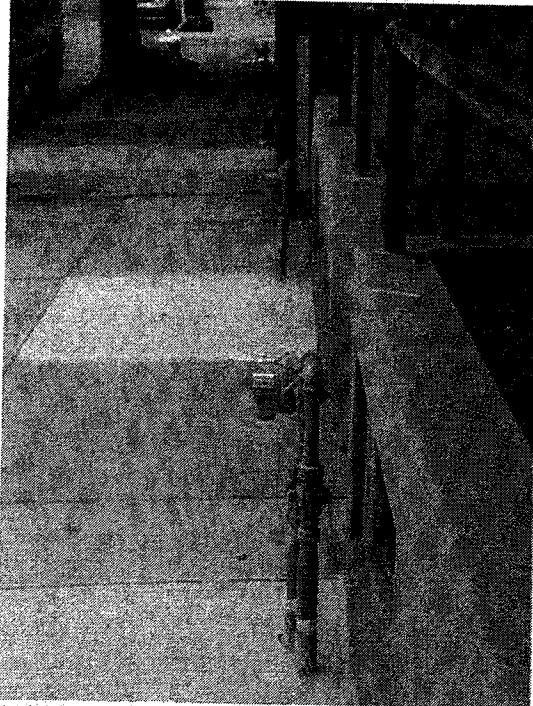
Unprotected and partially blocking steps.



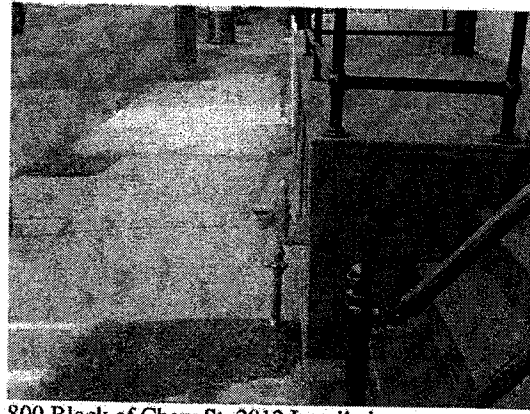
900 Block of Chew St. 2012 Installation.
Unprotected and in very close proximity to entry point.



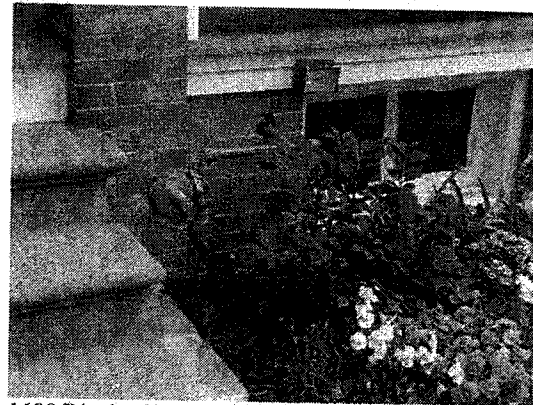
800 Block of Chew St. 2012 Installation.
Unprotected and extending into right of way with no options for concealment.



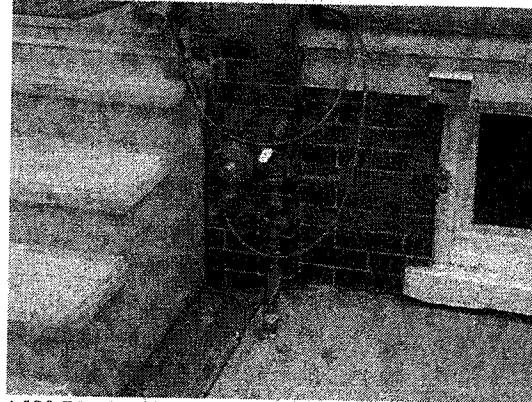
900 Block of Chew St. 2012 Installation.
View of multiple regulators along Chew St.



800 Block of Chew St. 2012 Installation.
View of multiple regulators along Chew St. There are 44 regulator installations between 8th and 10th Streets.



1600 Block of Turner St. 2011 Installation.
Excessive exposed piping that is not consistent with other installations on the block.



1600 Block of Turner St. 2011 Installation.
Close proximity to stairs and regular foot traffic with no available options to hide or protect equipment.

These examples represent what UGI has said is the best compromise they can offer. Other neighborhoods would also have outdoor meters along with the regulators.