

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE CORRECTIVE)
ACTION ORDER ISSUED TO IACONO -)
SUMMER CHASE APARTMENTS, L.P. IN) PSC Docket No. 15-1599
ACCORDANCE WITH 26 DEL. ADMIN. C.)
§8001 (FILED OCTOBER 30, 2015))

ORDER NO. 8877

AND NOW, this 19th day of April, 2016, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, the Commission has qualified for federal certification to operate a state pipeline safety compliance program pursuant to 49 U.S.C. §60105(a) and has the authority pursuant to 26 Del. C. §821 to make and enforce rules required by the federal National Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. Chapter 601); and

WHEREAS, the Commission is authorized by the Federal Pipeline Safety Regulations, 49 C.F.R., Parts 190-193 and 198-199, to order remedial actions and impose civil penalties where appropriate; and

WHEREAS, Iacono - Summer Chase Apartments, L.P. ("Iacono") is an "Operator" as set forth in 26 Del. Admin. C. §8001-1.0 and 26 Del. C. §802(11) in that Iacono operates a gas distribution system at Village of Canterbury, 9000 Rembrandt Circle, Newark, DE 19711 and thus acts as an operator of a buried pipeline facility used in the transportation of propane gas within the State of Delaware and therefore falls within the Commission's jurisdiction; and

WHEREAS, on December 3, 2015, pursuant to 26 *Del. Admin. C.* §8001-8.0, the Commission issued Amended Corrective Action Order No. 8827, which required Iacono to do the following:

- a. Iacono shall conduct weekly leak surveys of all active pipelines on the property beginning immediately and shall file the results with the Commission until the replacement of the existing propane pipeline system is complete. Iacono may install temporary propane tanks to serve buildings within the facility. In order to abandon any section of pipeline, Iacono shall cut and cap each end of that pipeline. Once an existing pipeline section has been abandoned, such section may no longer be part of the leak surveys.
- b. Any leaks found during weekly surveys shall be repaired immediately, regardless of the nature or "Grade" of the leak.
- c. Iacono shall perform a suitable test to determine the structural integrity of the existing underground propane tank and associated appurtenances and make any necessary repairs or replacements of any deficiencies or leaks found as a result of this test. In addition, Iacono shall perform cathodic protection testing to ensure there is no active corrosion occurring. Should deficiencies be found with the current cathodic protection system, immediate repairs shall be made to obtain satisfactory results. Iacono shall file the results of all such tests with the Commission.
- d. By December 15, 2015, Iacono shall submit to the Commission its final plan to replace the existing propane distribution system at the Village of Canterbury. Iacono shall make every attempt to complete this work within four (4) months from the submission date.
- e. If the replacement of the existing propane pipeline system of this complex is not 100% completed within four (4) months, the Commission shall consider further action at that time, including, but not limited to, the possibilities of granting reasonable time extensions or ordering the Operator to shut down operation of the propane pipeline system; and

WHEREAS, Iacono has substantially complied with Amended Corrective Action Order No. 8827; and

WHEREAS, Iacono has, by a Motion for Extension of Time filed March 21, 2016, requested that the four-month deadline for Iacono to complete work to replace the existing propane system, as required by Amended Corrective Action Order No. 8827, Ordering Paragraphs 2.d-e., which is approximately April 15, 2016, be extended to June 1, 2016, due to unexpected delays caused by inclement weather and the need for additional hand-digging to be performed; and

WHEREAS, at the April 5, 2016 Commission meeting, the Commission heard argument from Iacono and Staff regarding Iacono's Motion for Extension of Time;

WHEREAS, at the April 5, 2016 Commission meeting, Iacono amended the request to ask for an extension of the April 15, 2016 deadline to June 15, 2016, and reported that it expects to meet this deadline and complete all work to replace the existing propane system with current staffing levels and anticipated weather conditions; and

WHEREAS, Staff has reviewed Iacono's request to extend the April 15, 2016 deadline to June 15, 2016 and has determined that request is reasonable and agrees that Iacono is expected to meet this deadline and complete all work to replace the existing propane system with current staffing levels and anticipated weather conditions; and

WHEREAS, at the April 5, 2016 meeting, the Commission resolved the issues in this matter as set forth below;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE
VOTE OF NOT FEWER THAN THREE COMMISSIONERS:**

1. Pursuant to Amended Corrective Action Order No. 8827, Ordering Paragraph 2.e., the Commission grants the reasonable time extension requested by Iacono.

2. The four-month deadline, which is approximately April 15, 2016, for Iacono to complete all work to replace the existing propane system, as required by Amended Corrective Action Order No. 8827, Ordering Paragraphs 2.d-e., is hereby extended to June 15, 2016.

3. Iacono shall submit to the Commission a report as to the completion of the work on or by June 15, 2016.

4. The Commission Secretary shall send copies of this Order by certified mail to Iacono to serve as the "written notice" required by 26 Del. Admin. C. §8001-8.2.

5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chair

Commissioner

Commissioner

Commissioner

Commissioner

Commissioner

ATTEST:

Secretary