

1003 NEGLIGENCE, GAS COMPANY, DUTY IN INSTALLING ITS PIPES, MAINS, AND METERS

The defendant gas company at the time and place in question had a duty to exercise ordinary care in the manner in which it (laid its mains) (installed pipes and fittings) (inspected its mains) (repaired its mains).

To conform to this standard, the care used must be commensurate with the dangerous consequences which would be reasonably expected from a course of action or inaction. It is common knowledge that natural gas, if not properly contained, is highly explosive and, if permitted to escape, is highly dangerous. Therefore, greater caution and vigilance are required in dealing with this commodity than are required in dealing with the ordinary affairs of life and business.

[Select the appropriate following paragraph.]

[To comply with this duty, the gas company must install pipes and fittings of good material and workmanship, and it must lay its mains and install its pipes and fittings with reasonable skill and care, having in mind the conditions and circumstances then existing. If the defendant gas company fails to construct good quality pipes and fittings or to install them in a reasonable manner, it is negligent.]

[To comply with this duty, the gas company must make such reasonable inspections as will enable it to discover with reasonable promptness any leaks in its pipes and mains. If the defendant gas company fails to make such reasonable inspections, it is negligent.]

[If the gas company or any of its employees (knows or should know of the existence of a leak in its pipes) (has notice of a possible leak in its pipes), it must, in order to comply with the required standard of care, use reasonable care and diligence (to locate and repair) (in repairing) such defect within a time which is reasonable under all of the circumstances then

existing. If the defendant gas company fails to reasonably (locate and repair) (repair) such defect within a reasonable time, it is negligent.]

COMMENT

This instruction was approved by the Committee in 1972. The comment was updated in 1982 and 1989.

Wis. Stat. §§ 66.047, 196.745; Wis. Adm. Code Chap. PSC 135; 96 A.L.R.2d 1007 (1964).

See E. L. Chester Co. v. Wisconsin Power & Light Co., 211 Wis. 158, 247 N.W. 861 (1933), concerning the negligent construction of gas mains.

See Larsen v. Wisconsin Power & Light Co., 120 Wis.2d 508, 355 N.W.2d 557 (Ct. App. 1984), for utility's duty to inspect gas appliances.

A gas utility may also be negligent if it fails to use ordinary care to supervise or inspect the work of others digging near its pipes. Brown v. Wisconsin Natural Gas Co., 59 Wis.2d 334, 208 N.W.2d 769 (1973).