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July 15, 2014

Mr. Byron Coy  
Director, Eastern Region  
Pipeline and Hazardous Materials Safety Administration  
820 Bear Tavern Road, Suite 103  
West Trenton, NJ 08628

**RE: CPF 1-2014-1006W  
Warning Letter  
Texas Eastern Transmission, L.P.**

Dear Mr. Coy:

On July 15, 2008, pursuant to 49 U.S.C. §60118(c) and 49 C.F.R. 190.341, Texas Eastern Transmission, LP (TETLP) filed a special permit request with the Pipeline & Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS) for a waiver from certain provisions of 49 C.F.R. 192. On July 31, 2009, PHMSA issued the order granting TETLP a special permit with certain conditions and limitations (Order).

Concluding on May 14, 2014, representatives of PHMSA, Eastern Region inspected the pipeline procedures and records via conference call to review TETLP's compliance with the Order. As a result of this inspection, PHMSA identified three (3) probable violations of the conditions of the Order and issued a Warning Letter on June 12, 2014. TETLP had identified and self-reported these issues to representatives of PHMSA via teleconference on December 15, 2010 and in the Executive Certification letter dated February 1, 2011. The following is a summary of the three (3) findings and our response.

### **1. Condition 3**

TETLP failed to send a letter to the Director, PHMSA Eastern Region no later than one year after the grant of this special permit justifying the delay in completing remediation of low cathodic protection readings identified during the close interval survey (CIS), and providing the anticipated remediation completion date.

The special permit was granted July 31, 2009. TETLP completed the CIS on November 20, 2009, however TETLP failed to submit a letter justifying the delay by July 31, 2010.

## **2. Condition 27**

TETLP failed to certify in writing that they implemented all conditions as required by Condition 27(c). The certification, with the required senior executive signature, was due July 31, 2010, one year after the special permit was granted on July 31, 2009.

## **3. Condition 13**

TETLP performed two excavations relating to Conditions 5, 6 (b), 19, 20, 21, 22, 23 and 24 of field activities in the special permit segments and/or special permit inspection areas and failed to notify the PHMSA ER in advance of the excavation.

There were 2 excavations completed on April 7, 2010 and April 15, 2010, respectively. TETLP did not provide notices of any kind to the Director, PHMSA Eastern Region.

### **TETLP Response**

TETLP acknowledges that in specific cases TETLP exceeded certain timeframes and did not notify PHMSA as required in the special permit. We underestimated the complexity and the number of notification and reports related to this special permit when the special permit was issued in 2009. TETLP identified and self-reported these issues to representatives of PHMSA via teleconference on December 15, 2010 and in the Executive Certification letter dated February 1, 2011.

TETLP recognized that process control improvements were required. TETLP has since implemented a robust process control and assigned adequate manpower to assure these issues do not reoccur.

TETLP takes these issues very seriously, and we are committed to addressing these issues in an expeditious manner. TETLP had already implemented corrective actions prior to receiving this Warning Letter.

Please call me at (713) 627-6388 if you have any questions or comments.

Sincerely,



Rick Kivela  
Director, Operational Compliance