

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
WASHINGTON, D.C. 20590

In the matter of

Tennessee Gas Pipeline, LLC,

Respondent.

§
§
§
§
§
§

CPF 1-2016-1003

**REQUEST FOR HEARING, REQUEST FOR DOCUMENTS, AND
PRELIMINARY STATEMENT OF ISSUES,
OF
TENNESSEE GAS PIPELINE COMPANY, L.L.C.
IN RESPONSE TO
NOTICE OF PROBABLE VIOLATION AND
PROPOSED CIVIL PENALTY**

A. Request for Hearing

Pursuant to 49 C.F.R. §§ 190.208(a)(4) and 190.211(b), Tennessee Gas Pipeline, LLC (“Tennessee”) respectfully requests an in-person hearing on the alleged violation and proposed civil penalty contained in the Notice of Probable Violation and Proposed Civil Penalty (“Notice”) issued by OPS on February 10, 2016, in the above-referenced case. Tennessee will be represented by counsel at the hearing.

B. Request for Documents

In order to ensure a full and fair hearing, Tennessee respectfully requests the following:

1. Pursuant to 49 C.F.R. § 190.208(c), Tennessee requests that OPS provide a copy of its violation report and any accompanying evidence in this matter, including the supporting documentation reviewed by the Compliance Officer in developing the recommended civil penalty.
2. Pursuant to 49 C.F.R. § 190.212(c)(2), (c)(3) and (c)(7), and 5 U.S.C. § 552(a)(2)(C), Tennessee requests copies of the following materials related to the proposed civil penalty in this case:
 - a. Copies of any penalty calculation worksheets or work papers for the specific penalty proposed in this case.
 - b. Copies of any administrative staff manuals or instructions to staff, including guidance, manuals, directions, procedures or any other documents that OPS staff rely on to develop a proposed civil penalty under 49 U.S.C. § 60122 and 49 C.F.R. § 190.225.

- c. Copies of any administrative staff manuals or instructions to staff, including guidance, manuals, directions, procedures or any other documents that the Presiding Official or Associate Administrator rely on to determine a final civil penalty under 49 U.S.C. § 60122 and 49 C.F.R. § 190.225.

C. Preliminary Statement of Issues

Tennessee respectfully contests the allegation of violation and proposed civil penalty contained in the Notice.

Notice Item 1. 49 C.F.R. § 192.921(d) as alleged in the Notice.

1. Whether Tennessee violated 49 C.F.R. § 192.921(d) for failure to perform a baseline assessment of a covered segment by December 17, 2012.
2. Whether the segment in question is a covered segment as defined in 49 C.F.R. § 192.903.
3. Whether OPS's \$11,500 proposed civil penalty must be withdrawn.
 - a. Whether the record supports the proposed civil penalty in this case.
 - b. Whether OPS's method of developing, proposing, and assessing administrative civil penalties is consistent with applicable laws and regulations.

At the hearing in this case, Tennessee intends to present evidence and engage with OPS in discussion on these issues. Tennessee reserves the right to supplement this Statement of Issues at or before hearing. Tennessee also reserves the right to respond to any new factual assertions or arguments introduced by OPS during the proceedings in this case.

Dated: March 09, 2016



Gary Buchler
Chief Operating Officer
Kinder Morgan, Inc.
1001 Louisiana Street, Suite 1000
Houston, TX 77002
(713) 369-8463
Gary_Buchler@kindermorgan.com