

March 22, 2023

**VIA ELECTRONIC MAIL TO: msolomon@3bearllc.com**

Michael Solomon  
Vice President & Chief Operating Officer  
Elevation Midstream, LLC  
1200 17th Street, Suite 750  
Denver, Colorado 80202

**Re: CPF No. 5-2022-052-NOPV**

Dear Mr. Solomon:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation and finds that the proposed actions to comply with the pipeline safety regulations have been completed. This case is now closed. Service of the Final Order by e-mail is effective upon the date of transmission and acknowledgement of receipt as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry  
Associate Administrator  
for Pipeline Safety

Enclosure

cc: Mr. Dustin Hubbard, Director, Western Region, Office of Pipeline Safety, PHMSA  
Ms. Elisabeth Klein, Director, EHS Regulatory Compliance, Elevation Midstream, LLC,  
lklein@3bearllc.com

**CONFIRMATION OF RECEIPT REQUESTED**

**U.S. DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, D.C. 20590**

In the Matter of	)	
	)	
Elevation Midstream, LLC,	)	CPF No. 5-2022-052-NOPV
	)	
Respondent.	)	
	)	

**FINAL ORDER**

On December 1, 2022, pursuant to 49 C.F.R. § 190.207, the Director, Western Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (Notice) to Elevation Midstream, LLC (Respondent). The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 195 and proposed certain measures to correct the violation. Respondent did not contest the allegation of violation or corrective measure.

Based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulations listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 195.446(j)(1) (**Item 1**) — Respondent failed to provide records that demonstrated compliance with API RP 1165.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

**Compliance Actions**

The Director has indicated that Respondent completed the actions proposed in the Notice to correct the violation.<sup>1</sup> Therefore, it is not necessary to include the proposed compliance terms in this Final Order.

**Warning Item**

With respect to Item 2, the Notice alleged a probable violation of 49 C.F.R. § 195.446(c)(2) but

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<sup>1</sup> The Notice included a proposed compliance order detailing the actions necessary for Respondent to come into compliance with the pipeline safety regulations. The Notice also acknowledged Respondent’s actions since PHMSA’s inspection and recommended the compliance order be closed upon issuance of the Final Order.

did not propose a civil penalty or compliance order for this item. Therefore, this is considered to be a warning item. If OPS finds a violation of this provision in a subsequent inspection, Respondent may be subject to future enforcement action.

The terms and conditions of this order are effective upon service in accordance with 49 C.F.R. § 190.5.

March 22, 2023

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Alan K. Mayberry  
Associate Administrator  
for Pipeline Safety

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Date Issued