

DEC 28 2009

Mr. Randall L. Crawford
President
Equitrans, L.P.
225 North Shore Drive
Pittsburgh, PA 15212-5861

Re: CPF No. 1-2007-1010

Dear Mr. Crawford:

Enclosed is the Final Order issued in the above-referenced case. It withdraws the allegation of violation and associated proposed penalty. PHMSA now considers this matter closed. Your receipt of the Final Order constitutes service of that document under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Enclosure

cc: Byron Coy, Director, Eastern Region, PHMSA
Renita Bivins, Esq., Senior Attorney, PHMSA
Joseph M. Dawley, Esq., Counsel for Equitrans, L.P.
Jessica A. Fore, Esq., Counsel for Equitrans, L.P.

CERTIFIED MAIL – RETURN RECEIPT REQUESTED [7009 1410 0000 2464 5713]

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

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| _____) | |
| In the Matter of) | |
|) | |
| Equitrans, L.P.,) | CPF No. 1-2007-1010 |
|) | |
| Respondent.) | |
| _____) | |

FINAL ORDER

From July 19 to September 8, 2006, pursuant to 49 U.S.C. § 60117, a representative of the West Virginia Public Service Commission (WVPSC), as agent for the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the natural gas transmission pipeline facilities and records of Equitrans, L.P. (Equitrans or Respondent) in West Virginia. Equitrans operates transmission pipelines and gas storage fields in Pennsylvania, West Virginia and Kentucky.¹ The inspection included a field review of Respondent's Curtisville compressor station.

As a result of the inspection, the Director, Eastern Region, OPS, issued to Equitrans, by letter dated October 22, 2007, a Notice of Probable Violation and Proposed Civil Penalty (Notice). In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Respondent had violated 49 C.F.R. § 192.163(e) and proposed assessing a civil penalty of \$44,000 for the alleged violation.

By letter dated November 28, 2007, Respondent requested additional time to respond to the Notice. By letter dated November 29, 2007, OPS granted Respondent's request. Equitrans responded to the Notice by letter dated January 25, 2008 (Response) and requested a hearing. A hearing via telephone conference was held on August 19, 2008, with Jim Curry, Office of Chief Counsel, PHMSA, presiding. By letter dated August 20, 2008, pursuant to the West Virginia Freedom of Information Act (WV FOIA), Respondent requested certain documents from the WVPSC relating to the 2006 pipeline inspection. By letter dated August 22, 2008, Respondent requested that the Presiding Official in this proceeding issue a subpoena to the WVPSC inspector, requiring the production of certain documentary evidence. By email dated September 16, 2008, the Presiding Official found Respondent's subpoena request to be moot, based upon his review of a portion of the materials that the WVPSC had released pursuant to the WV FOIA request. By letter dated September 16, 2008, Respondent provided a post-hearing closing statement.

¹ Equitrans L.P. is part of EQT Corporation, which owns various natural gas production, gathering, storage, transmission and distribution assets in Pennsylvania, West Virginia and Kentucky.

WITHDRAWAL OF ALLEGATION

Item 1: The Notice alleged that Respondent violated 49 C.F.R. § 192.163(e), which states:

§ 192.163 Compressor stations: Design and construction.

(a)

(e) *Electrical facilities.* Electrical equipment and wiring installed in compressor stations must conform to the National Electrical Code, [American National Standards Institute]/[National Fire Protection Association] 70, so far as that code is applicable.

The Notice alleged that Respondent failed to install electrical equipment and wiring in a compressor station that conformed to the electrical code requirements set forth in 49 C.F.R. § 192.163(e). Specifically, it alleged that Equitrans failed to provide proper grounding for the Altronic ignition system installed at the company's Curtisville compressor station, in accordance with Article 250.42(d) of the National Electrical Code (NEC), ANSI/NFPA 70.

During the September 7 and 8, 2006 inspection of the Curtisville compressor station, the WVPSC inspector requested that Equitrans perform impedance testing of the ignition system to indicate whether it was properly grounded. Equitrans performed this testing after the inspection and provided the results to the WVPSC on September 25, 2006. The OPS Violation Report indicated that the test results showed that the ignition system was properly grounded.

During the hearing, OPS explained that the allegation was based upon Equitrans' failure to immediately conduct electrical tests of the ignition system requested during the inspection. However, documents provided to Equitrans by the WVPSC show that the WVPSC inspector had not requested that Equitrans perform the tests immediately. Moreover, during an inspection for compliance with § 192.163(e), it may be appropriate to provide a pipeline operator with a reasonable amount of time after the inspection in which to conduct electrical impedance testing. This is particularly true if an inspector has not requested such testing in advance of the inspection, if safety concerns at the inspection justify a delay, or if necessary testing equipment is not readily available at the inspection. In this case, Equitrans conducted the testing as requested and provided the results soon after the inspection. The test results indicated that the system was properly grounded and there is no evidence that Respondent made changes to the ignition system after the inspection but before the impedance tests.

Based upon the foregoing, I order that the allegation of violation for this Item be withdrawn.

WITHDRAWAL OF PROPOSED CIVIL PENALTY

On the basis of my withdrawal of the allegation of violation, I also withdraw the proposed \$44,000 civil penalty associated with this Item.

The terms and conditions of this Final Order are effective upon receipt. PHMSA now considers this matter closed.

Jeffrey D. Wiese
Associate Administrator
for Pipeline Safety

Date Issued