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VIA E-MAIL AND UPS OVERNIGHT

November 12, 2010

Mr. Byron E. Coy, P.E.
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration
Mountain View Office Park
820 Bear Tavern Road, Suite 306
West Trenton, NJ 08628

**RE: Request for Hearing and Preliminary Statement of Issues
Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance
Order, CPF No. 1-2010-1008**

Dear Mr. Coy:

As provided under 49 C.F.R. §§ 190.209 and 190.211, Dominion Transmission, Inc. (“DTI”) respectfully submits a Request for Hearing and Preliminary Statement of Issues regarding the Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (“Notice”) issued by the Pipeline and Hazardous Materials Safety Administration (“PHMSA”) on October 13, 2010.

As provided under § 190.211(e), DTI also requests that PHMSA provide the materials in the case file for this matter, including any materials describing how the amount of each penalty was calculated. DTI is requesting these materials to enable us to fully understand and respond to the allegations and to PHMSA’s proposed civil penalties. Because we do not currently have the materials in the case file on which the allegations and proposed penalty amounts are based, DTI reserves the right to supplement its Preliminary Statement of the Issues on the basis of our review of these materials.

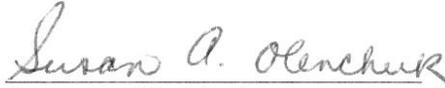
Under § 190.209, DTI is required to respond to a notice of probable violation within 30 days of receipt. PHMSA’s Notice is dated October 13, 2010, and was sent to DTI via UPS overnight delivery. DTI’s response, therefore, is timely.

As you know, the Notice concerns an investigation by the West Virginia Public Service Commission (WVPSC) into a July 18, 2006 pipeline incident near New Martinsville, West

Virginia. DTI is committed to the safety of its pipeline facilities and therefore takes each and every incident seriously. DTI took immediate corrective action to address the 2006 incident and prevent future, similar events. No one was injured as a result of the incident.

DTI looks forward to discussing and resolving PHMSA's concerns at or before the hearing. Please do not hesitate to contact me if you have any questions about DTI's response.

Respectfully submitted,



Susan A. Olenchuk

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Counsel for Dominion Transmission Inc.

CC: Mr. David Hippchen, WVPSC
Mr. Michael Yazemboski, Eastern Region, PHMSA
Ms. Brianne Kurdock, Esq., Office of Chief Counsel, PHMSA

Attachment: Request for Hearing and Preliminary Statement of Issues

November 12, 2010

Dominion Transmission, Inc.

Request for Hearing and Preliminary Statement of Issues

**Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order,
CPF No. 1-2010-1008**

Request for Hearing

Pursuant to § 190.209(a) and (b), DTI requests a hearing on the alleged violations, proposed civil penalties, and proposed compliance order contained in the Notice. DTI will be represented by counsel at the hearing. The issues DTI intends to raise are identified in the following Preliminary Statement of Issues.

As provided under § 190.211(e), DTI also requests that PHMSA provide the materials in the case file for this matter, including any materials describing how the amount of each penalty was calculated. DTI is requesting these materials to enable us to fully understand and respond to the allegations and to PHMSA's proposed civil penalties. Because we do not currently have the materials in the case file on which the allegations and proposed penalty amounts are based, DTI reserves the right to supplement its Preliminary Statement of the Issues on the basis of our review of these materials.

Preliminary Statement of Issues

Notice Item 1 – 49 C.F.R. § 192.805.

- a. Whether DTI complied with the operator qualification requirements of § 192.805.
- b. Whether a finding of violation and a civil penalty is appropriate given the passage of more than four and a half years since the alleged violation took place.
- c. Whether PHMSA's \$85,600 proposed civil penalty is justified under the civil penalty assessment considerations set forth in § 190.225.

Notice Item 2 – 49 C.F.R. § 192.199(h).

- a. Whether DTI complied with the design requirements of § 192.199(h).
- b. Whether PHMSA's interpretation of the scope and applicability of § 199.192(h) in this matter is a new interpretation and whether it is inconsistent with findings of violation in past cases.
- c. Whether a finding of violation and a civil penalty is appropriate given the passage of more than four and a half years since the alleged violation took place.
- d. Whether PHMSA's proposed \$100,000 civil penalty is justified under the civil penalty assessment considerations set forth in § 190.225.
- e. Whether the remedial requirements set forth in the proposed compliance order are justified.