



CITY OF RICHMOND

DEPARTMENT OF PUBLIC UTILITIES

GAS AND LIGHT DIVISION

OPERATIONS CENTER

May 31, 2013

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

RE: Notice of Probable Violation and Civil Penalty; CPF 1-2013-0001

Dear Mr. Coy:

The City of Richmond, Virginia received the Pipeline and Hazardous Materials Safety Administration's Notice of Probable Violation and Proposed Civil Penalty in the above matter on May 3, 2013.

Pursuant to 49 CFR Sections 190.209 & 190.211, the City respectfully requests a hearing to contest the allegations, the proposed assessment of a civil penalty, and the proposed civil penalty amount. At hearing, the City intends to raise the following issues:

1. Do the allegations and supporting documentation properly reflect the record and circumstances in connection with the alleged probable violation of 49 CFR Section 192.605?
2. Do the proposed civil penalty and the proposed civil penalty amount properly reflect the assessment considerations set forth in 49 CFR Section 190.225 and the record and circumstances in connection with the alleged probable violation of 49 CFR Section 192.605? Subject to review of the record, the City intends to address each of the assessment considerations set forth in Section 190.225.

At hearing, and subject to review of the record, the City seeks the opportunity, pursuant to 49 CFR Section 190.211(d), to examine the evidence and witnesses presented by the government, in this case including the Virginia State Corporation Commission (SCC). Among other things, the SCC made certain commitments to the City that in the materials forwarded to PHMSA as part of the record, the SCC would emphasize the City's proactive actions taken with respect to the alleged probable violation. Pursuant to 49 CFR Section 190.211(f), the City also would like to discuss, among other things, items which the City believes should be relevant to the issues under consideration, including the importance of proactive notifications and quality assurance/safety management reviews.

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Pursuant to 49 CFR Section 190.211(e), the City requests that PHMSA provide the City with the material in the case file at least 30 days before the hearing. The City respectfully reserves the right to respond, rebut, or supplement this material at the hearing, and to raise issues that might be identified in review of the material in the case file.

The City of Richmond will be represented by counsel at the hearing.

Thank you for your consideration. Please don't hesitate to contact me if you need more information at this time, or if you have any questions.

Sincerely,



Michael R. Bellman
Deputy Director – Gas & Light
City of Richmond – DPU
400 Jefferson Davis Highway
Richmond, VA 23224
(804) 646-8301

cc: David Kearney, Esq.
Robert Steidel
Carl James