

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY**

In the Matter of)	
)	
Columbia Gas Transmission, LLC, ¹)	CPF No. 1-2018-1003
)	
Respondent.)	
)	

**REQUEST FOR HEARING AND PRELIMINARY STATEMENT OF ISSUES
IN RESPONSE TO NOTICE OF PROBABLE VIOLATION, PROPOSED CIVIL PENALTY, AND
PROPOSED COMPLIANCE ORDER**

I. Request for Hearing

Pursuant to 49 C.F.R. §§ 190.208(a)(4) and 190.211(b), Columbia Gas Transmission, LLC (Columbia) respectfully requests an in-person hearing to discuss the alleged violations, proposed civil penalty, and proposed compliance order contained in the above-referenced Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order (“Notice”) issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) on January 18, 2018 and received on January 19, 2018. Columbia will be represented by counsel at the hearing.

II. Preliminary Statement of Issues

Columbia respectfully contests the allegations of violation, the proposed civil penalty, and the proposed compliance order contained in the Notice. Columbia intends to raise the following issues at the Hearing:

A. Notice Item 1 – 49 C.F.R. § 192.603(b)

1. Whether Columbia violated 49 C.F.R. § 192.603(b) as alleged in the Notice.
 - a. Whether § 192.603(b) requires an operator to maintain records.
 - b. Whether PHMSA has met its burden of proof that a violation has occurred.
 - c. Whether the facts in the record support a violation of § 192.603(b).
 - d. Whether PHMSA’s interpretation of the cited regulation is arbitrary and capricious.
 - e. Whether Columbia failed to keep records necessary to administer its procedures established under § 192.605.

¹ TransCanada Pipelines acquired the Columbia Pipeline Group in July 2016.

2. Proposed Civil Penalty of \$47,500

- a. Whether PHMSA's proposed civil penalty for Item 1 should be withdrawn or reduced.
- b. Whether the record supports the proposed penalty in this case.
- c. Whether PHMSA's method of calculating administrative civil penalties is consistent with applicable laws and regulations.

3. Proposed Compliance Order

- a. Whether the record supports the need for the Proposed Compliance Order.
- b. Whether the Proposed Compliance Order, as written, sets out timeframes that are impracticable.
- c. Whether the Proposed Compliance Order is overbroad, unreasonable, and must be withdrawn or modified.

B. Notice Item 2 – 49 C.F.R. § 192.455(a)

1. Whether Columbia violated 49 C.F.R. § 192.455(a)(2) as alleged in the Notice.

- a. Whether PHMSA has met its burden of proof that a violation has occurred.
- b. Whether the facts in the record support a violation of § 192.455(a)(2).
- c. Whether the alleged violation is barred by the statute of limitations, 28 U.S.C. § 2462.

2. Proposed Civil Penalty of \$67,600

- a. Whether PHMSA's proposed civil penalty for Item 2 should be withdrawn or reduced.
- b. Whether the record supports the proposed penalty in this case.
- c. Whether PHMSA's method of calculating administrative civil penalties is consistent with applicable laws and regulations.

Columbia reserves the right to revise and supplement this Preliminary Statement of Issues as needed based on any new information or argument provided by PHMSA in this matter.

Respectfully submitted this 27th day of February 2018.



Sonya Kirby
Vice President, Pipeline Safety & Compliance