Brian C. Sheppard
Vice President – Eastern Pipeline Operations
Gas Infrastructure Group

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October 3, 2018

Via Email and Certified Mail

Mr. Robert Burrough
Director, Eastern Region
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
840 Bear Tavern Road, Suite 300
West Trenton, NJ 08628

RE: CPF No. 1-2018-1017: Request for Informal Meeting
Alternative Request for a Hearing and Preliminary Statement of Issues

Dear Mr. Burrough:

In response to the above-referenced Notice of Probable Violation and Proposed Compliance Order (Notice) issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) on August 6, 2018, Dominion Energy Transmission, Inc. (DETI) respectfully requests an informal meeting to discuss and resolve its concerns with the Notice.

In order to preserve its rights, DETI also submits a Request for Hearing and Preliminary Statement of Issues pursuant to 49 C.F.R. § 190.211. DETI hopes that that a hearing will be unnecessary and that the parties can resolve this matter informally.

Please feel free to contact me if you have any questions.

Sincerely,

Brian C. Sheppard
Vice President, Eastern Pipeline Operations

cc: Alan K. Mayberry, P.E., Associate Administrator for Pipeline Safety, PHMSA

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

In the Matter of	)	
Dominion Energy Transmission, Inc.,	)	**CPF No. 1-2018-1017**
Respondent.	)	

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

I. Request for Hearing

Pursuant to 49 C.F.R. §§ 190.208(a)(4) and 190.211(b), Dominion Energy Transmission, Inc. (DETI) respectfully requests an in-person hearing to discuss the alleged violation and proposed compliance order contained in the Notice of Probable Violation and Proposed Compliance Order (Notice) issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) on August 6, 2018. DETI will be represented by counsel at the hearing.

II. Preliminary Statement of Issues

DETI respectfully contests the allegation of violation and the proposed compliance order contained in the Notice.

A. Notice Item #1 – 49 C.F.R. §§ 192.13(b) and 192.327(a)

1. Whether PHMSA should reconsider how it applied §§ 192.13(b) and 192.327(a) for replacements of short sections of pipe in this case.

    a. Whether 49 C.F.R. §§ 192.13(b) and 192.327(a) should apply to replacements of short sections of pipe installed during anomaly repair activities.

    b. Whether there are safety concerns with requiring an operator to add cover or lower its pipeline to meet § 192.327(a) on short replacement sections of pipe.

c. Whether there are legal issues with requiring an operator to add cover in an existing right-of-way, including easement, grading, environmental permitting, access and other issues.

d. Whether the interpretation of §§ 192.13(b) and 192.327(a) could create substantial, unintended burdens across the gas transmission sector and could serve as a disincentive to elective pipe repair activities.

2. Proposed Compliance Order

a. Whether the terms of the Proposed Compliance Order are impracticable.

DETI 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 3rd day
of October 2018.

Brian C. Sheppard
Vice President, Eastern Pipeline Operations