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Via email and overnight delivery

October 7, 2019

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

**RE: Request for Hearing and Preliminary Statement of Issues
Notice of Amendment, CPF No. 1-2019-3001M**

Dear Mr. Burrough:

As provided under 49 C.F.R. §§ 190.206(a) and 190.211, Distrigas of Massachusetts, LLC (Distrigas) respectfully submits this Request for Hearing and Preliminary Statement of Issues in response to the Notice of Amendment (NOA) that the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued on September 17, 2019, in CPF 1-2019-3001M. The NOA alleges that one of Distrigas's maintenance procedures was inadequate under 49 C.F.R. § 193.2605. Specifically, PHMSA alleges that Distrigas's Everett Marine Terminal Operating Procedure Manual – Truck Loading EMT-05 (Procedure) failed to include adequate guidance on record keeping for the testing of transfer hoses under § 193.2621(b).

Distrigas seeks an in-person hearing regarding the allegation in the NOA. Distrigas takes pipeline safety and any alleged violation of PHMSA's regulations seriously. However, Distrigas believes that the allegations in the NOA in this case are not supported by the facts or the regulations. Distrigas respectfully contests the NOA.

Distrigas appreciates receiving the case file documents for this proceeding. To the extent any additional material is placed into the case file, including but not limited to, inspector notes or other materials the Region intends to rely on to support the NOA, Distrigas requests that such material also be provided. Please consider this a standing request. Distrigas reserves the right to supplement its Preliminary Statement of the Issues in the event that PHMSA provides any additional materials.

Distrigas further requests that correspondence and materials related to this proceeding be provided to the following persons:

Susan B. Bergles, Assistant General Counsel, Exelon Business Services Co., LLC,
susan.bergles@exeloncorp.com

Susan A. Olenchuk, Counsel for Respondent, Van Ness Feldman, LLP, sam@vnf.com

Bryn S. Karaus, Counsel for Respondent, Van Ness Feldman, LLP, bsk@vnf.com

As provided under § 190.206(a) of PHMSA's regulations, Distrigas has 30 days from receipt of the NOA to submit a request for hearing, or until October 17, 2019. Thus, Distrigas's response is timely.

Distrigas looks forward to working with you and your staff to address any concerns you may have with its pipeline operations. Please do not hesitate to contact me if you have any questions.

Respectfully submitted,

/s/ Susan B. Bergles

Susan B. Bergles
Assistant General Counsel
Exelon Business Services Co., LLC

CC: Benjamin Fred, Esq., Deputy Assistant Chief Counsel, Pipeline Safety Law Division
Ajoke Agboola, Esq., Attorney Advisor, Counsel for the Eastern Region, OPS
Edward Gleason, General Manager, Northeast Region, Exelon Generation
Anthony Scaraggi, Vice President, Distrigas of Massachusetts LLC and Plant Manager,
Everett LNG Facility, Exelon Generation LLC
Susan Stritter, Sr. Compliance Specialist, Exelon Generation LLC
Susan A. Olenchuk, Counsel for Respondent, Van Ness Feldman, LLC
Bryn S. Karaus, Counsel for Respondent, Van Ness Feldman, LLC

Attachment: Request for Hearing and Preliminary Statement of Issues

**PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
WASHINGTON, DC**

In the matter of	§	
	§	
	§	
Distrigas of Massachusetts, LLC,	§	CPF 1-2019-3001M
	§	
Respondent.	§	

**Request for Hearing and Preliminary Statement of Issues
of Distrigas of Massachusetts, LLC**

Request for Hearing

As provided under 49 C.F.R. §§ 190.206(a) and 190.211, Distrigas respectfully requests an in-person hearing on the alleged inadequacies regarding Distrigas’s maintenance procedure contained in the Notice of Amendment that PHMSA issued on September 17, 2019. Distrigas will be represented by counsel at the hearing and intends to raise the issues identified below in its Preliminary Statement of Issues.

Preliminary Statement of Issues

Set forth below is the Preliminary Statement of Issues that Distrigas intends to raise at a hearing in this case. Distrigas reserves the right to revise and supplement this Preliminary Statement of Issues at or before the hearing based on any additional information that may be provided in this proceeding.

Notice Item 1: 49 C.F.R. § 193.2605

Whether OPS has satisfied its burden of proving that Distrigas’s “procedures for the maintenance of each component were inadequate.” Specifically, whether OPS has proven that Distrigas “failed to address” certain “recordkeeping details” or “failed to include adequate guidance in its maintenance procedures on record keeping for its testing of transfer hoses required by § 193.2621(b).”