



January 19, 2021

Via E-mail and Overnight Delivery

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

Re: UGI Energy Services, LLC
Request for Hearing, C.P.F. 1-2020-009-NOPSO

Dear Mr. Burrough:

I. Request for Hearing

On January 12, 2021, the Pipeline and Hazardous Materials Safety Administration (PHMSA) notified UGI Energy Services, LLC (UGIES) of its decision to terminate the informal consultation related to the Notice of Proposed Safety Order (NOPSO) issued on September 4, 2020, in the above-captioned proceeding. Pursuant to 49 C.F.R. §§ 190.239(b)(3) and 190.211, UGIES respectfully requests that an in-person hearing be convened before a Presiding Official within the Office of Chief Counsel.

II. Statement of Issues

In accordance with 49 C.F.R. §190.211(b), UGIES intends to raise the following issues at the hearing:

1. Whether, given the facts and circumstances alleged in the NOPSO, PHMSA can meet its burden to demonstrate that there is a condition or conditions at UGIES' liquefied natural gas (LNG) peak shaving facility in Ontelaunee Township, Berks County, Pennsylvania, that pose an integrity risk to public safety, property or the environment; and
2. Whether, given the facts and circumstances alleged in the NOPSO, PHMSA can meet its burden to demonstrate that the proposed corrective actions are necessary to address any condition or conditions that pose an integrity risk to public safety, property or the environment at the UGIES' LNG peak shaving facility in Ontelaunee Township, Berks County, Pennsylvania.

III. Representation by Counsel

UGIES will be represented by the undersigned counsel at the hearing:

Keith J. Coyle, Esq.
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IV. Request for Agency Records

Pursuant to 49 C.F.R. § 190.212(c)(2), (c)(3) and (c)(7), and the affirmative disclosure requirements of 5 U.S.C. § 552(a)(2)(C), UGIES respectfully requests that PHMSA include in the case file all agency records pertinent to the matters of fact and law asserted in the NOPSO, including the following:

1. Any agency records that PHMSA staff reviewed, considered, or relied upon in conducting the investigation referenced in the NOPSO, including any agency records pertaining to the Federal Energy Regulatory Commission's August 2018 inspection, PHMSA's August 31, 2018 request for information, and PHMSA's June 29, 2020 onsite inspection of the UGIES' LNG peak shaving facility in Ontelaunee Township, Berks County, Pennsylvania: and
2. Any administrative staff manuals or instructions to staff, including guidance, manuals, directions, procedures, or any other documents that PHMSA staff reviewed, considered, or relied upon in preparing the NOPSO.

UGIES respectfully requests that PHMSA release these agency records at the earliest possible date, but not to exceed 10 days prior to the hearing, so that UGIES will have a full "opportunity to offer facts, statements, explanations, documents, testimony or other evidence that is relevant and material to the issues under consideration[.]" and to fully and fairly "examine the evidence and witnesses presented by the other party" at the hearing, in accordance with 49 C.F.R. § 190.211(d)-(e). UGIES reserves the right to ask the Presiding Official to compel the production of any agency records that PHMSA fails to release pursuant to the authority provided in 49 C.F.R. § 190.212(c)(2), (c)(3) and (c)(7).

Robert Burrough, Director, Eastern Region

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V. Scheduling and Other Matters

Please contact myself or Mr. Coyle to schedule the administrative hearing or if you have any additional questions regarding the information provided in this request. UGIES' offices remain closed in compliance with Pennsylvania COVID-19 safety protocols, so communication to the e-mail addresses provided is strongly preferred.

Very truly yours,



Frank H. Markle

Attorney for UGI Energy Services, LLC

Cc: Ajoke Agboola, PHMSA
Keith Coyle, Counsel for UGIES