

Mississippi Hub, LLC

Hugh Berglund
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November 30, 2018

Via email and Federal Express

Kristin T. L. Baldwin
Presiding Official
Office of Chief Counsel, PHMSA
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Re: CPF No. 2-2018-1005: Withdrawal of Request for Hearing

Dear Ms. Baldwin:

On July 18, 2018, Mississippi Hub, LLC (“MS Hub”) received a Notice of Probable Violation and Proposed Compliance Order (“Notice”) issued by the Pipeline and Hazardous Materials Safety Administration (“PHMSA”) in the captioned proceeding. The Notice did not propose assessment of any civil penalty. On August 10, 2018, MS Hub submitted a letter requesting an informal meeting with the Regional Director and his staff to discuss and resolve MS Hub’s concerns with the Notice and to transmit MS Hub’s Request for Hearing and Statement of Preliminary Issues in Response to Notice of Probable Violation and Proposed Compliance Order pursuant to 49 C.F.R. § 190.211, contesting the Notice (collectively, the “August 10 Response”). The August 10 Response further included information relevant to the central issue of this proceeding. Specifically, MS Hub submitted revisions that MS Hub had made to its span of control limits in its Operator Qualifications Plan during the ordinary course of business. MS Hub asserted that this information demonstrated its full compliance with the directives set forth in the Notice.

A hearing to resolve the issues raised in this proceeding has been scheduled for Tuesday, December 11, 2018

Since the submission of the August 10 Response, MS Hub, the Regional Director, and counsel for the Office of Chief Counsel have been engaged in informal discussions regarding the issues presented by this proceeding. As a result of these discussions and in recognition of the fact that the information supplied with MS Hub’s August 10 Response fully complies with the directives set forth in the Notice, the parties have come to an agreement to resolve all of the outstanding issues in this proceeding.

Accordingly, MS Hub has agreed to withdraw the portion of the August 10 Response contesting the Notice and requesting a hearing in this proceeding. In response to MS Hub’s

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withdrawal of the request for hearing, the Regional Director, in coordination with the Office of Chief Counsel, has agreed to submit a recommendation that the Assistant Administrator enter a final order pursuant to 49 C.F.R. § 190.213 recognizing MS Hub's compliance with the directives set forth in the Notice and closing the matter.

Therefore, pursuant to 49 C.F.R. § 190.211(b), MS Hub hereby withdraws its request for hearing submitted with the August 10 Response. MS Hub further withdraws its opposition to the Notice, on the condition that the Regional Director submit the agreed upon recommendation to close the proceeding as discussed in this letter.

Please contact me with any questions regarding this letter.

Respectfully submitted,



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