

February 12, 2021

VIA ELECTRONIC MAIL TO: rcasadaban@blackbearllc.com

Mr. Rene Casadaban
Chief Executive Officer
Black Bear Transmission, LLC
1501 McKinney Street, Suite 800
Houston, Texas 77010

Re: CPF No. 2-2020-1002

Dear Mr. Casadaban:

Enclosed please find the Final Order issued in the above-referenced case to BBT AlaTenn, LLC. It makes findings of violation and specifies actions that need to be taken to comply with the pipeline safety regulations. When the terms of the compliance order have been completed, as determined by the Director, Southern Region, this enforcement action will be closed. Service of the Final Order by electronic mail is effective upon the date of transmission, as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Enclosures (Final Order and NOPV)

cc: Mr. James Urisko, Director, Southern Region, Office of Pipeline Safety, PHMSA
Ms. Ronda Louderman, Vice President, EHS&R, Black Bear Transmission, LLC
rlouderman@blackbearllc.com

CONFIRMATION OF RECEIPT REQUESTED

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

In the Matter of)

BBT AlaTenn, LLC,)
a subsidiary of Black Bear Transmission, LLC,)

Respondent.)

CPF No. 2-2020-1002

FINAL ORDER

On December 9, 2020, pursuant to 49 C.F.R. § 190.207, the Director, Southern Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation (Notice) to BBT AlaTenn, LLC (BBT or Respondent), a subsidiary of Black Bear Transmission, LLC.¹ The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 192. The Notice also proposed certain measures to correct the violations.

The Notice was mailed to Respondent by certified mail (USPS Article No. 70181130000005385435) on December 10, 2020, and was received by Respondent on December 14, 2020.² To date, Respondent has neither responded to the Notice nor contested the allegations of violation or proposed corrective measures.

Under 49 C.F.R. § 190.208(d), such failure to respond constitutes a waiver of BBT's right to contest the allegations in the Notice and authorizes the Associate Administrator, without further notice, to find facts as alleged in the Notice and issue this Final Order under § 190.213. Under such circumstances, I find it reasonable and appropriate to enter this Final Order without further proceedings.

Accordingly, based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulation listed below, as more fully described in the enclosed Notice, which is incorporated herein by reference:

49 C.F.R. § 192.463 (**Item 2**) — Respondent failed to provide a level of cathodic protection that complied with one or more of the applicable criteria contained in Appendix D of Part 192 for aluminum pipelines.

¹ Black Bear Transmission website, BBT (Alatenn), LLC, *available at* <http://www.hienergyebb.com/ALATENN/Home> (last accessed February 4, 2021).

² Certified mail return receipt (on file with PHMSA).

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent.

COMPLIANCE ACTIONS

Pursuant to 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, Respondent is ordered to take the actions proposed in the enclosed Notice to correct the violation. The Director may grant an extension of time to comply with any of the required items upon a written request timely submitted by the Respondent and demonstrating good cause for an extension. Upon completion of the ordered actions, Respondent may request that the Director close the case. Failure to comply with this Order may result in the assessment of civil penalties under 49 C.F.R. § 190.223 or in referral to the Attorney General for appropriate relief in a district court of the United States.

WARNING ITEMS

With respect to Items 1, 3 and 4, the Notice alleged probable violations of 49 C.F.R. §§ 192.161, 192.605 and 192.947, respectively, but did not propose a civil penalty or compliance order for these items. Therefore, these are considered to be warning items. If OPS finds a violation of any of these items in a subsequent inspection, Respondent may be subject to future enforcement action.

The terms and conditions of this order are effective upon service in accordance with 49 C.F.R. § 190.5.

February 12, 2021

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued