



**Tennessee Gas Pipeline
Company, L.L.C.**
a Kinder Morgan company

VIA E-MAIL AND FEDEX OVERNIGHT DELIVERY

July 14, 2016

Attention: Mr. Rod M. Seeley
Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration
Southwest Region Office
8701 S. Gessner Road, Suite 900
Houston, TX 77074

**RE: Request for Hearing, Request for Documents, and Preliminary Statement of Issues
Notice of Probably Violation and Proposed Civil Penalty
CPF No. 4-2016-1004**

Dear Mr. Seeley;

As provided under 49 C.F.R. §§ 190.208 and 192.211, Tennessee Gas Pipeline Company, L.L.C. (“TGP” or “The Company”) respectfully submits the attached Request for Hearing, Request for Documents, and Preliminary Statement of Issues in response to the Notice of Probably Violation and Proposed Civil Penatly (“Notice”) that the PHMSA Office of Pipeline Safety (OPS) issued on June 13, 2016 in the above-referenced case. The Notice alleges that TGP committed probable violations of the Pipeline Safety Regulations, Title 49, Code of Federal Regulations and proposes a civil penalty of \$ 120,500.00 for the alleged violation. TGP respectfully contests certain allegations of violation and the amount of the proposed civil penalty.

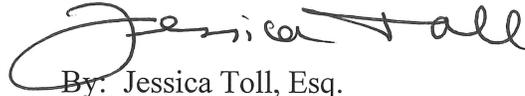
TGP takes pipeline safety and any allegation of violation by OPS seriously. The Company believes that allegation #9 in this case is based on a misunderstanding of the facts, that the proposed penalty is excessive and that some of the deadlines in the proposed compliance order are not realistic.

TGP looks forward to discussing and resolving OPS’s concerns at or before the hearing.

Please do not hesitate to contact me at 303-914-7630 if you have any questions.

Respectfully submitted,

Tennessee Gas Pipeline Company, L.L.C.

A handwritten signature in black ink that reads "Jessica Toll". The signature is written in a cursive style with a large, looping initial "J".

By: Jessica Toll, Esq.
Kinder Morgan, Inc.

370 Van Gordon Street
Lakewood, CO 80228
(303) 914-7630

Jessica_toll@kindermorgan.com

cc: Mr. Benjamin Fred Esq., Presiding Official, Office of Chief Counsel, PHMS
Mr. Jorge Torres, P.E., Vice President of Engineering and Technical Services,
Kinder Morgan
Mr. Reji George, Director of Engineering, Kinder Morgan

**PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
WASHINGTON, DC 20590**

In the matter of	§	
	§	
Tennessee Gas Pipeline Company	§	CPF 4-2016-1004
	§	
Respondent.	§	

**REQUEST FOR HEARING, REQUEST FOR DOCUMENTS,
AND PRELIMINARY STATEMENT OF ISSUES,
OF
TENNESSEE GAS PIPELINE COMPANY
IN RESPONSE TO
NOTICE OF PROBABLE VIOLATION,
PROPOSED CIVIL PENALTY AND PROPOSED COMPLIANCE ORDER**

A. Request for Hearing

Pursuant to 49 C.F.R. §§ 190.208(a)(4) and 190.211(b), Tennessee Gas Pipeline Company, L.L.C. ("TGP") respectfully requests an in-person hearing on the alleged violation and proposed civil penalty contained in the Notice of Probable Violation and Proposed Civil Penalty ("Notice") issued by OPS on July 13, 2016. TGP will be represented by counsel at the hearing.

B. Request for Documents

In order to ensure full and fair hearing, TGP respectfully requests the following:

1. Pursuant to 49 C.F.R. § 190.208(c), TGP requests that OPS provide a copy of its violation report and any accompanying evidence in this matter, including the supporting documentation reviewed by the Compliance Officer in developing the recommended civil penalty.
2. Pursuant to 49 C.F.R. § 190.212(c)(2), (c)(3) and (c)(7), and 5 U.S.C. § 552(a)(2)(C). TGP requests copies of the following materials related to the proposed civil penalty in this case:
 - a. Copies of any penalty calculation worksheets or work papers for the specific penalty proposed in this case.

- b. Copies of any administrative staff manuals or instructions to staff, including guidance, manuals, directions, procedures or any other documents that OPS staff rely on to develop a proposed civil penalty under 49 U.S.C. § 60122 and 49 C.F.R. §190.225.
- c. Copies of any administrative staff manuals and instructions to staff, including guidance, manuals, directions, procedures or any other documents that the Presiding Official or Associate Administrator rely on to determine final civil penalty under 49 U.S.C. § 60122 and 49 C.F.R. §190.225.

To the extent that an action by the Presiding Official is necessary in order to obtain these materials, TGP hereby requests that the Presiding Official take such action. Such action is proper under 49 C.F.R. § 190.212(c)(2), (c)(3) and (c)(7) which set forth the Presiding Official's authority to "receive evidence and inquire into relevant and material facts, require the submission of documents and other information," and, generally, "exercise the authority necessary to carry out [his responsibilities] ... " Further, 5 U.S.C. § 552(a)(2)(C) requires that federal agencies disclose to the public (affirmatively, and without the need for a Freedom of Information Act request) "administrative staff manuals and instructions to staff that affect a member of the public."

C. Preliminary Statement of Issues

TGP respectfully contests the allegation of violation and proposed civil Penalty contained in this notice.

Notice Item 9 – 49 C.F.R §192.937(b).

Whether TGP violated 49 C.F.R §192.937(b) as alleged in the Notice.

- a. Whether TGP conducted periodic evaluations as frequently as needed to ensure the integrity of each covered segment.

Proposed Civil Penalty

1. Whether OPS's \$ 120,500 proposed civil penalty must be withdrawn or reduced.
 - a. Whether the record supports the proposed civil penalty in this case.
 - b. Whether OPS's current method of developing, proposing, and assessing administrative civil penalties is consistent with applicable law and regulations.

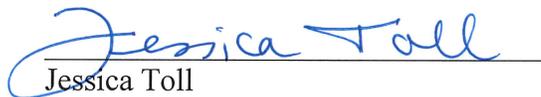
Proposed Compliance Order

1. Whether OPS's proposed compliance order #4 must be withdrawn.
 - a. Whether the record supports #4 of the proposed compliance order.
 - b. Whether #4 of the proposed compliance order is overly broad.
 - c. Whether OPS's proposed compliance order deadlines in #5 are unreasonable and must be modified to extend the time in which TGP must complete the items.

At the hearing in this case, TGP intends to present evidence and engage with OPS discussion on these issues. TGP reserves the right to revise and supplement this Statement of Issues at or before the hearing. TGP also reserves the right to respond to any new factual assertions or arguments introduced by OPS during the proceeding of this case.

July 14, 2016

Respectfully submitted,



Jessica Toll

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(303)914-7630

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Counsel for Tennessee Gas Pipeline Company

