

September 7, 2018

Mr. Rod J. Sailor  
President and CEO  
Enable Midstream Partners, LP  
One Leadership Square  
211 N. Robinson Ave., Suite 150  
Oklahoma City, OK 73102

**Re: CPF No. 4-2016-1015**

Dear Mr. Sailor:

Enclosed please find the Final Order issued in the above-referenced case to your subsidiary, Enable Gas Transmission, LLC. It makes a finding 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, Southwest Region, this enforcement action will be closed. Service of the Final Order by certified mail is effective upon the date of mailing, 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

Enclosure

cc: Ms. Mary McDaniel, Director, Southwest Region, Office of Pipeline Safety, PHMSA  
Mr. Paul M. Brewer, Executive Vice President – Operations, Enable Midstream Partners, LP,  
211 N. Robinson Avenue, Oklahoma City, OK 73102

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

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

<b>In the Matter of</b>	)	
	)	
<b>Enable Gas Transmission, LLC,</b>	)	<b>CPF No. 4-2016-1015</b>
<b>    a subsidiary of Enable Midstream Partners, LP,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	

**FINAL ORDER**

From February 22 through November 17, 2016, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities and records of Enable Gas Transmission, LLC (Enable or Respondent), in Arkansas, Illinois, Louisiana, Missouri, Oklahoma, and Texas. Enable, a wholly-owned subsidiary of Enable Midstream Partners, LP, operates several interstate pipelines located in Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas, as well as storage facilities within those states.<sup>1</sup>

As a result of the inspection, the Director, Southwest Region, OPS (Director), issued to Respondent, by letter dated December 20, 2016, a Notice of Probable Violation and Proposed Compliance Order (Notice), which also included warnings pursuant to 49 C.F.R. § 190.205. In accordance with 49 C.F.R. § 190.207, the Notice proposed finding that Enable had violated 49 C.F.R. § 192.935(a) and proposed ordering Respondent to take certain measures to correct the alleged violation. The warning items required no further action, but warned the operator to correct the probable violations or face possible future enforcement action.

Enable Midstream Partners, LP, on behalf of Respondent, responded to the Notice by letter dated January 26, 2017 (Response). The company did not contest the allegation of violation but contested one of the warning items and requested clarification on the proposed compliance actions. Respondent did not request a hearing and therefore has waived its right to one.

**FINDING OF VIOLATION**

In its Response, Enable did not contest the allegation in the Notice that it violated 49 C.F.R. Part 192 as follows:

---

<sup>1</sup> Enable Midstream Partners, LP, website, *available at* <https://www.enablemidstream.com/html/pages/egt.html> (last accessed June 21, 2018).

**Item 1:** The Notice alleged that Respondent violated 49 C.F.R. § 192.935(a), which states:

**§ 192.935 What additional preventative and mitigative measures must an operator take?**

(a) *General requirements.* An operator must take additional measures beyond those already required by Part 192 to prevent a pipeline failure and to mitigate the consequences of a pipeline failure in a high consequence area. An operator must base the additional measures on the threats the operator has identified to each pipeline segment. (*See* § 192.917). An operator must conduct, in accordance with one of the risk assessment approaches in ASME/ANSI B31.8S (incorporated by reference, *see* § 192.7), section 5, a risk analysis of its pipeline to identify additional measures to protect the high consequence area and enhance public safety. Such additional measures include, but are not limited to, installing Automatic Shut-off Valves or Remote Control Valves, installing computerized monitoring and leak detection systems, replacing pipe segments with pipe of heavier wall thickness, providing additional training to personnel on response procedures, conducting drills with local emergency responders and implementing additional inspection and maintenance programs.

The Notice alleged that Respondent violated 49 C.F.R. § 192.935(a) by failing to take additional measures beyond those already required by Part 192 to prevent a pipeline failure and to mitigate the consequences of a pipeline failure in a High Consequence Area (HCA). Specifically, the Notice alleged that Enable only performed extra patrols and installed line markers for certain HCA segments, despite records indicating these segments all had external and internal corrosion threats.

Respondent did not contest this allegation of violation.<sup>2</sup> Accordingly, based upon a review of all of the evidence, I find that Respondent violated 49 C.F.R. § 192.935(a) by failing to take additional measures beyond those already required by Part 192 to prevent pipeline failure and to mitigate the consequences of a failure in an HCA.

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

**COMPLIANCE ORDER**

The Notice proposed a compliance order with respect to Item 1 in the Notice for violation of 49 C.F.R. § 192.935(a). Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601.

---

<sup>2</sup> Enable sought clarification on this item. PHMSA responded to this request via e-mail correspondence to Enable on November 13, 2017 (on file with PHMSA).

With regard to the violation of § 192.935(a) (Item 1), Respondent argued that the compliance terms should be modified. Specifically, Enable sought clarification on whether it needed to schedule preventative and mitigative (P&M) measures within 60 days of receipt of the Final Order, or whether it needed to implement these measures by the same 60-day deadline. Enable noted that it would have difficulty implementing all identified P&M measures within 60 days, and that if this was PHMSA's intent, requested modification of Item 2 of the Proposed Compliance Order (PCO) to allow it 365 days to identify, schedule, and complete all P&M measures.

I agree that 60 days is an insufficient amount of time for Enable to implement any P&M measures. Therefore, pursuant to the authority of 49 U.S.C. § 60118(b) and 49 C.F.R. § 190.217, I hereby modify Item 2 of the PCO as set forth below.

Respondent is ordered to take the following actions to ensure compliance with the pipeline safety regulations applicable to its operations:

1. With respect to the violation of § 192.935(a) (**Item 1**), Respondent must:
  - (a) Document a list of appropriate P&M measures for all the threats that were identified during the risk analysis for each HCA segment, including external and internal corrosion;
  - (b) Correctly apply and implement those P&M measures to their appropriate HCA segment(s); and
  - (c) Provide PHMSA with documentation to indicate the appropriate P&M measures have been correctly implemented to the threats identified.
2. Enable should complete Item 1 within 365 days of receipt of the Final Order.

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.

It is requested that Respondent maintain documentation of the safety improvement costs associated with fulfilling this Compliance Order and submit the total to the Director. It is requested that these costs be reported in two categories: (1) total cost associated with preparation/revision of plans, procedures, studies and analyses; and (2) total cost associated with replacements, additions and other changes to pipeline infrastructure.

Failure to comply with this Order may result in the administrative assessment of civil penalties not to exceed \$200,000, as adjusted for inflation (49 C.F.R. § 190.223), for each violation for

each day the violation continues, or in referral to the Attorney General for appropriate relief in a district court of the United States.

### **WARNING ITEMS**

With respect to Items 2 and 3, the Notice alleged probable violations of Parts 191 and 192 but did not propose a civil penalty or compliance order for these items. Therefore, these are considered to be warning items. The warnings were for:

49 C.F.R. § 191.23(a)(8) **(Item 2)** — Respondent's alleged failure to report in accordance with § 191.25 the existence of a safety-related condition that could lead to an imminent hazard and caused a 20 percent reduction in operating pressure of a pipeline that contains or processes gas; and

49 C.F.R. § 192.943(b) **(Item 3)** — Respondent's alleged failure to seek a waiver of a required assessment interval at least 180 days before the end of the required reassessment interval.

Enable requested withdrawal of Item 3 because once it became aware that a local product-supply issue made the time period impractical, it applied for a waiver as soon as the need for the waiver became known. Under § 190.205, PHMSA does not adjudicate warning items to determine whether a probable violation occurred. If OPS finds a violation of any of these items in a subsequent inspection, Respondent may be subject to future enforcement action.

Under 49 C.F.R. § 190.243, Respondent may submit a Petition for Reconsideration of this Final Order to the Associate Administrator, Office of Pipeline Safety, PHMSA, 1200 New Jersey Avenue, SE, East Building, 2<sup>nd</sup> Floor, Washington, DC 20590, with a copy sent to the Office of Chief Counsel, PHMSA, at the same address, no later than 20 days after receipt of service of this Final Order by Respondent. Any petition submitted must contain a statement of the issue(s) and meet all other requirements of 49 C.F.R. § 190.243. The terms of the order, including corrective action, remain in effect unless the Associate Administrator, upon request, grants a stay.

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

September 7, 2018

---

Alan K. Mayberry  
Associate Administrator  
for Pipeline Safety

---

Date Issued