



May 4, 2018

Ms. Kristin Baldwin
Presiding Official
Office of the Deputy Chief Counsel
Pipeline and Hazardous Materials Safety
Administration
East Building, 2nd Floor
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Via Email: Kristin.Baldwin@DOT.gov

Re: ExxonMobil Pipeline Company (“Respondent”)
Respondent’s Pre-Hearing Submissions
CPF No. 4-2017-5027

Dear Ms. Baldwin:

Pursuant to your letter dated March 30, 2018, please find attached Respondent’s pre-hearing submissions in this case, same related to the hearing scheduled for May 14, 2018, at the Southwest Region office in Houston, Texas, regarding the referenced Notice of Probable Violation (“NOPV”). The following materials are submitted herewith:

- A. Respondent’s Amended and Restated Statement of Issues dated May 3, 2018
- B. Resume of Kevin C. Garrity
- C. Outline of Testimony of Kevin C. Garrity
- D. Schematics and photographs: Typical rectifier circuitry and function; rectifier panel meters
- E. Declaration of Chris Levy with the following documentation attached as exhibits:
 - 1. CPDM Survey Report, dated 5/27/2016
 - 2. IMPACT – Incident 663068
 - 3. Action Item: 1644558
 - 4. ExxonMobil Pipeline Company Operator Qualification Program, October 2011
 - 5. ExxonMobil Pipeline Company Operator Qualification Program, October 2012
- F. Excerpt of Sections 6.2 and 6.3 of NACE standard practice SP0169-2007
- G. Letter from Richard Byrne to Adam Phillips, dated December 12, 2017, transmitting the attached Respondent’s First Request for Production of Documents of even date
- H. API Recommended Practice 1173, July 2015
- I. Transcript excerpt, Liquid Pipeline Advisory Committee Meeting, February 1, 2016 (pp 159-160)



Know what's below.
Call before you dig.



- J. Transcript excerpt, Gas Pipeline Advisory Committee and Liquid Pipeline Advisory Committee Joint Meeting, June 2, 2016 (pp 25-31)
- K. Presentation Slides: *Safety Management Systems Working Group Proposal* by Linda Daugherty, PHMSA/OPS Deputy Associate Administrator for Field Operations, June 2, 2016
- L. Video of presentation by PHMSA Administrator Marie Therese Dominguez, Pipeline Safety Trust Conference, November 19, 2015 (*see link within MS Word document*)
- M. The following PHMSA/OPS documents:
 - 1. General Policy Statement; Civil Penalties (81 Fed. Reg. 71566, Oct. 17, 2016)
 - 2. Civil Penalty Summary, May 30, 2017
(<https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/foia/3296/civil-penalty-summary-05-30-2017.pdf>)
 - 3. PHMSA Final Order, *In the Matter of Colonial Pipeline Company*, CPF No. 2-2008-5005
 - 4. PHMSA Final Order, *In the Matter of Plains All American Pipeline, L.P.*, CPF No. 4-2013-5007
 - 5. PHMSA Final Order, *In the Matter of Ohio River Valley Pipeline, LLC*, CPF No. 3-2015-5009
 - 6. PHMSA Final Order, *In the Matter of ONEOK NGL Pipeline, L.L.C.*, CPF No. 3-2013-5020
 - 7. Interpretation #PI-93-039, July 16, 1993
 - 8. Part 195 Corrosion Enforcement Guidance, Code Section § 195.573(c) (06-22-2016)
 - 9. 49 C.F.R. § 195.401
 - 10. 49 C.F.R. § 195.452
 - 11. 49 C.F.R. § 195.505
 - 12. 49 C.F.R. § 195.571 and 49 C.F.R. § 195.573

Respondent intends to use a portion of the foregoing materials as demonstrative exhibits during the hearing. By copy of this letter, Respondent is providing said materials to Region counsel Adam Phillips, as well as the Director, Southwest Region, Mary McDaniel.

Respondent intends to call the following individual as a witness:

- Kevin C. Garrity

Respondent also intends to have the following individuals attend the hearing:

- Rebekah Bennett, General Counsel, ExxonMobil Pipeline Company
- Roina Rivera Baker, Murchison Law Firm, PLLC



- Court Reporter (Veritext Legal Solutions; the individual's name will be provided prior to the hearing date)

Respondent intends to question OPS personnel with personal knowledge of the facts underlying the alleged violations and the proposed civil penalties set forth in the NOPV and in the underlying Violation Report, including:

- Noah Matthews, Gen. Eng.
- Rod Dyke, Director, Enforcement Division (regarding the proposed civil penalties)

Respondent will be represented at the hearing by the undersigned and by Johnnie R. Randolph, Jr., Counsel, ExxonMobil Pipeline Company.

Respondent requests, and reserves the right, pursuant to 49 C.F.R. § 190.211(g), to submit further written material after the hearing for inclusion in the record.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Vince Murchison'.

Vince Murchison

Counsel for Respondent

cc: Adam Phillips, PHMSA (via e-mail: Adam.Phillips@DOT.gov)
Mary McDaniel, OPS (via e-mail: Mary.McDaniel@DOT.gov)